

CHRISTIAN MINORITIES OF TURKEY



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CHRISTIAN MINORITIES
OF TURKEY

REPORT PRODUCED

BY THE

CHURCHES COMMITTEE ON MIGRANT WORKERS IN EUROPE

Brussels, September 1979

Avenue d'Auderghem 23 B-1040 Brussels

Reprinted by: Prof. Dicran Jamgochian
5347 28th Street, N.W.
Washington, D.C. 20015

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C H R I S T I A N M I N O R I T I E S
O F T U R K E Y

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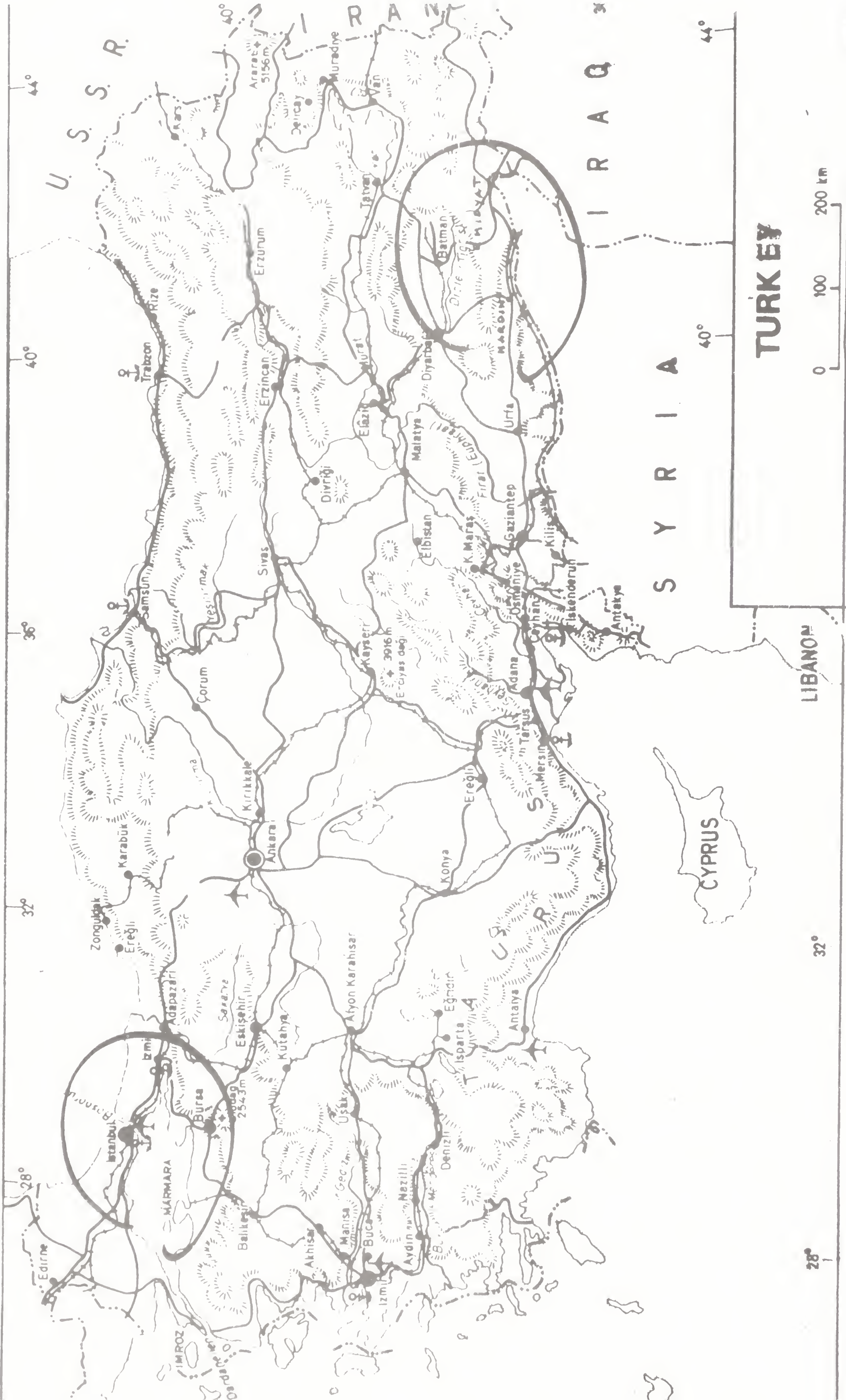
Foreword

Difficulties have arisen in several European countries concerning the Christian workers and refugees from Turkey. Because of the increasing evidence of widespread distress a working group has inquired carefully into the background and into the facts concerning these groups of people already in Europe.

This report is the result of the inquiry which has been carried out over a considerable period of time. The Churches Committee on Migrant Workers in Europe has examined the evidence and considered the report.

We commend it for study by all relevant institutions in Europe. The report stands on the facts and the evidence which it has produced. We find ourselves in agreement with the recommendations and urge them upon the attention of others.

R.E. Kendall,
Chairman.



CHAPTER 1 : A BIRD'S EYE VIEW

THIS SURVEY DEALS with Christian minorities of Turkey living inside and outside their country. It concerns people who are in trouble and who appeal for help. In considering if there is a need, whether we can help, and in what way, we have to know them. Their country is the Turkey of our present-day maps. It appears to be a vast extension of Europe. It is Mediterranean, a little eastern, but, as we are taught, it is a westernized state, following the disappearance of the Ottoman Empire which, from the Middle Ages until the First World War, represented a political threat to Europe on the grounds of religious expansionism.

The western mind, conveniently accepting the extension of western patterns of thought, must perceive a wide range of basic phenomena in Turkish society which need to be understood before seeking solutions to the problems with which we are confronted.

The first topic in which the east/west position must be clarified is the religious side of the problem. For the westerner Church and State are two different things. One can be a believer and a citizen. Citizenship is a national heritage, but confession and faith is a matter of choice. In eastern countries there is no such freedom of confessional choice and no separation of faith and civic status. Islam is faith, confession, rule, politics and law in one. Christians under the old Islamic Caliphate ruled themselves. How could they be governed by laws which did not belong to their creed? Thus it happened that the eastern churches developed into something far beyond what we in the west understand a church to be. The eastern churches were instrumental in providing their followers with identity documents, they collected taxes, executed legal practice in their own courts, and were responsible for the protection of their interests. For a long time the Armenian Patriarch and the Greek Orthodox Patriarch (Ecumenical Patriarchate) represented the Christians at the Ottoman Court in Constantinople. Hence in the modern countries of the Middle East, created by peace treaties after the First World War, Christians are Christian not by confession, but by identity.

As a result of their situation, these Christians often appeal to western countries for help, calling them "Christian nations". The impression that they are calling on Christian solidarity on the basis of faith is false. They simply cannot see that an abstraction such as "Christian faith" can exist beyond civic identity. For the same reason, once settled in a western country, they experience western Church life as a civic vacuum. One of the first things they seek to do is to establish their own Church life, for this affirms their identity.

With the advent of the modern Republic of Turkey after 1923 the role of religion in society was to be replaced by other western concepts. Beneath the surface of an entirely new legal system, however, the traditional structures, including religious ones, have largely retained their character.

Christians in Turkey do not all belong to one denomination, just as all Moslems do not belong to one branch of Islam. The reasons for

the divisions on both sides can be traced back through history and now appear mainly along ethnic lines. The ethnic characteristics, especially in language and culture, are important factors in the composition of identity. It is very clear that the Armenians and Greeks, although both are small minorities belonging to the Orthodox faith, have very different identities. The Armenians originated in Armenia and the Greeks in Greece; they speak different languages, use different alphabets, and have a completely different history and cultural heritage. At that there are ecclesiological/theological differences.

To complete the picture as far as Turkey is concerned, two other groups should be mentioned. In Eastern Turkey we find Christians belonging to the so-called Syrian Church. Outside Turkey they sometimes call themselves Assyrians, which leads to confusion since this name was also given to Nestorians who did not unite with the Roman Catholic Church. They live in the area between the River Tigris in the north and east, the Syrian border in the south, and the line Diyarbakir-Mardin-Nusaybin in the west. This area is an important part of Kurdistan. Also within Kurdistan, located more to the east although still inside Turkey, there lived another Christian minority, the Nestorians. Their history is equally tragic. As far as is presently known, most Nestorians have moved out of Turkey and are living in exile in neighbouring countries or other parts of the world.

The majority of each ethnic group of Christians belongs to the original Orthodox Church. A small group within each ethnic community has united with the Roman Catholic Church. This occurred at various times and for a number of reasons (e.g. due to the Crusades). The members of the uniate churches are known as Catholics. The third and smallest group is the Protestant community which came into being under the influence of the American Mission in the 19th century. Altogether these communities now comprise an estimated 100 000 people. This is only a small remnant of the communities present at the end of the 19th century, when the Christians amounted to 30 % of the total population of the Ottoman Empire. The following table shows the terms used by and the numbers (x) (1979) of Christian communities in Turkey:

<u>Greeks</u>	<u>Armenians</u>	<u>Syrians</u>	<u>Nestorians</u>	<u>Arab</u>
Greek Ortho- dox	Armenian Ortho- dox (Gregorians) (Apostolic)	Syrian Ortho- dox (Jacobites)	Assyrian Orthodox	<u>Orthodox</u> <u>and</u> <u>other</u> <u>minor</u> <u>groups</u>
Greek Catholic	Armenian Catholic	Syrian Catholic (Assyrian Cath.)	Chaldeans (Assyrian Catholic)	
Greek Protes- tant	Armenian Protes- tant	Syrian Protes- tant (Assyrian Prot.)	Assyrian Protestant	
10 000	42 000	42 000	2 000	4 000

(x) These data do not include Christians of non Turkish nationality.

Of the aforementioned groups the Armenians and the Greeks with the Jews are the only religious minorities having non-Moslim minority status in Turkey.

The other Christian denominations are not considered to be non-Moslim minorities and therefore do not enjoy the protection of the Turkish State.

Although the Christian minorities maintain their identities within their communities, officially only one national identity exists: Turkish. The Turkish language is the statutory language imposed on all, including large ethnic groups who wish to maintain their own tongue as part of their ethnic identity. This also applies to Moslem minorities. Hence Kurds in Eastern Turkey are considered to be Turks like all other Turks. They are not officially permitted to give instruction in, or even print, their own language. They may not maintain Islamic marriage laws (polygamy) or any Islamic law which has been superseded by secular law as introduced by Kemal Pasha Ataturk following the First World War. The Kurds in Eastern Turkey, however, feel justified in ignoring secular law as imposed by Ankara on the basis of the higher authority of Islam, and only a smaller progressive group takes a different attitude.

The Islamic reforms in countries such as Libya, Pakistan, and Iran have given strong support to the resistance to the rule of secular law, and the struggle towards Islamisation in Afghanistan and Lebanon is seen as an example for similar developments in Turkey itself. Not only the majority of the Kurdish population in the east, but also a part of the Turkish lower class show a tendency towards a radical interpretation of Islam.

The conflict between traditional Islamic rule and modern Turkish secular law is well known. Turkish government authorities are well aware of this. Another problem is that in addition to the religiously-based rules there are the rules of the tribal system. Again borderlines with state law are vague and clear definitions are mutually avoided. When, however, minorities - Christian or Moslem (Kurdish) - define their rules on the basis of identity or nationalism, they find themselves confronted and penalised by the Turkish Moslem majority at various levels. There is, in general, mental rejection by the Turkish population of the very existence of minorities. This is fed by the knowledge of the Turkish history of decline as a result of the exploitation and oppression by the "Christian" states of Europe and America; a reality which conflicts with the ideal of Islam as the ultimate and perfect world order.

The subtleties of this unknown world are to be found in all the facts and data concerning Turkey. It is a country as large as Germany and France together. Forty-three million people live there, an average population density of 55 persons per square kilometer. Since density in the industrialised west, with its larger cities, is much higher, the rural areas appear almost uninhabited, and the vast, semi-desert plains of the Anatolian highlands are devoid of any sedentary population.

The east of Turkey can be compared to an under-developed country. Modernisation left the area practically untouched and consequently feudal traditions

and the role of Islam exercise greater influence over the lives of the people than is the case in the west of Turkey.

Endless roads link one province with the other. Buses and trucks maintain the necessary traffic of people, goods and cattle. Everything, however, functions with minimum efficiency and often well below the level required to achieve a socio-economic situation which can meet the basic needs of the people. This does not mean that there is no luxury: luxury items are often available when essentials are lacking. Turkish life is a mixture of shortages and surpluses. Sociologically, shortage of basic essentials represents a threat to those who happen to have something which their neighbours do not.

Buying and selling, production, renting, but also robbery, menace, killing and other offences represent different concepts from those understood by us in the west. So, too, is emotional life different. The constant struggle to maintain a level of existence in which basic needs can be satisfied makes people accustomed to living with existential anxiety. A feeling of fear which, presumably, directs aggression in a manner which it is difficult for us to understand. All seems to be well as long as a certain balance is maintained between threat and resistance in daily life. This balance has now been disturbed in the rural areas of Eastern Turkey where most of the Christian minorities used to live.

On the one hand, all these minorities live in a modernised secular state; on the other, the administration of this state has to operate vis-à-vis the still persisting feudal and religious structures. Basically the state therefore uses the feudal structures for the maintenance of its authority. This becomes clear from the following.

Each of the 67 provinces in Turkey delegates a number of members of parliament to the National Assembly (450 seats) and the Senate (150 seats) in Ankara. The number of delegates is in proportion to the size of the population. The delegates represent both local interests and a particular political party. In industrialised districts the parties make a list of candidates on the basis of their political merits and their relations with the party of constituency. In rural areas the parties try to find a suitable "champion" irrespective of his former ties. To stand a chance of winning an election a party must try to find a "big man" with influence, which can be very far-reaching. Most of these "big men" are traditional leaders, landowners, who have a say in providing work in the area. They assemble votes on the basis of pressure and promise. If they are elected and succeed in satisfying the electorate, they can be sure of being able to return again in the next electoral period, irrespective of the political party to which they adhere or to which they switch. This switching, even during their maximum four years' period in parliament is not considered disreputable. Of course, this makes every coalition in multi-party Turkey shaky. (See Dr. M. van Bruinessen's report - Appendix I).

The measure of success in westernising the Turkish State since the First World War largely depended on economic developments. In the 1920s and following the Second World War until 1960 the Turkish middle

class benefitted from the economic mobility as it emerged from a certain degree of centralised protection. Sixty per cent of the population, however, live in rural areas. These peasants have always suffered the worst conditions. A picture of the economic situation of Turkey always has portrayed the situation of the landowners, the "big men", and the deputies. The picture varies from time to time; it has its ups and downs. The mass of the tenant farmers, however, has always been at the very bottom.

These people have never been given the opportunity for active political expression. This has been the privilege of the elite alone, first the military and bureaucratic, and then the upper and middle class elite. The impoverished, starving masses had only frustration. It is only in the last ten years that these masses are developing into a political force whereby people use the renaissance of radical Islamism and nationalism for political interests. Such developments represent an additional threat for the remnants of the Christian minorities.

Internationally, Turkey is a member of NATO. The western powers have constantly obliged Turkey to maintain an anti-Russian build-up, and this is in line with Turkey's Islamic sentiments. Both in the past and in the present, whatever protection Britain and France offered to the Turkish minorities, whatever promises were made - even promises of independence - none of this has been honoured, since this was always secondary to the necessity of maintaining the state of Turkey as a defence line against Russian influence. Today there are several American military bases in Turkey and other NATO member countries also have a vested interest in the Turkish defence line.

In a survey such as this we need facts and evidence. It is a difficult task to make the transition from an experienced reality to description of facts and evidence which can be understood and accepted by the reader, but it should be tried.

Special attention will be given to the Armenians, for unless we understand the Armenian genocide, we miss the core of the problem. The chapter on the Armenians also deals with two other Christian minorities.

We deal in this survey with Eastern Turkey and Istanbul in two separate chapters because the two areas are related and Christians move in their flight from the first area into the second.

The chapter "Protection of Christian minorities in Turkey" is concerned with the safeguards afforded Turkish Christians under international agreements and national legislation in Turkey.

Information concerning migrant workers and asylum seekers in various European countries is to be found in the chapter "Christians from Turkey in Europe".

In the chapter on the Geneva Convention, the application of the concept of persecution to the situation of the Christian minorities in Turkey is discussed.

In the final chapter "Summary and concluding remarks" the readers may compare their own conclusions with ours.

THE GENOCIDE OF THE ARMENIANS at the end of the 19th and the beginning of the 20th century is the hard core of all Moslem/Christian hostility in Turkey. The problems of the other Christian minorities can at present be considered as a continuation of this flagrant crime against humanity: the systematic and organised attempt to annihilate completely the Armenian people. The Armenian holocaust has been quickly forgotten in the western world, just as all holocausts tend to be forgotten with amazing rapidity. Moreover, the Armenian tragedy was over-shadowed in magnitude by the Jewish holocaust in the Third Reich. Hitler was aware of the world's short memory. He was of the opinion that Germany could annihilate the Jewish race without causing much stir: "After all, who remembers to-day the extermination of the Armenians?"

The independent state of Armenia dates from ancient times. There were periods of rise and decline, both geographically and culturally. In the Middle Ages, Armenia extended as far as the eastern half of what is now Turkey. The Armenians originated in a smaller area, however, a region concentrated in and around the Caucasus Mountains. Armenia is located at the buffer-zone between the great powers of past and present: Persia, Greece, the Roman Empire, the Byzantine Empire, the Arab Caliphate, the Ottoman Empire, and Russia. The Armenian national identity owes its survival to the long history of independent Armenia, from which, to-day, two characteristics remain as pillars of identity in exile: the language (Indo-European, written in a special alphabet of 38 characters), and the Christian tradition. In c. 275, King Tridates III proclaimed Christianity as the state religion, the first monarch ever to do so.

In 1514 the main part of Armenia was occupied by the Ottoman Turks, and somewhat later Persia occupied the remaining area. This part came under Russian domination at the beginning of the 19th century, and to-day approximately the same area is known as the Soviet Republic of Armenia within the USSR.

At the beginning of the 19th century Armenians were to be found living all over Turkey. In the big cities and townships there emerged a minority of well-respected, middle class people. Their standard of living was higher than that of the working class Turks, and much higher than that of the Turkish peasants. In evaluating the role of Christian minorities in Turkey this is an important point to note for all of them. Not only the Armenians but also the Greek, Syrian and Nestorian minorities lived at a higher socio-economic level than the surrounding Turkish and Kurdish population. In the later persecutions we notice that this social stratification phenomenon, at the popular level, provided a motive for revenge, associated with political scapegoating and religious fanaticism.

The 19th century saw the rise of nationalism throughout the world. The Greeks, dominated by the Ottoman Empire, loudly proclaimed the revival of the "Greek irredenta", the restoration of a Greek nation stretching from the Danube to the Aegean and Adriatic with its capital in Constantinople. Greece achieved independence in 1829 after military intervention by France and Britain on the side of the

Greek guerillas. This was a heavy blow to Turkish nationalism and Islamic self-esteem. Greek independence stimulated Armenian nationalism. Moreover, the Greek affair revived the old enmity between Turkey and Greece.

Turkish/Greek hostility dates from ancient times. Greek presence in Asia Minor was constantly rebuffed from the other side. The many islands, for which Greece fought numerous battles throughout the ages, form a special problem. A new factor has appeared in recent years: crude oil exploitation in the Aegean area has become profitable. From the first days of Greek independence at the beginning of the 19th century, tension with neighbouring Turkey - of which the new state of Greece had once been a part - led to explosive situations. Both states, however, were too weak to take offensive or defensive action on a bi-lateral basis. What can be seen throughout the 19th and 20th centuries is that both countries fought out their conflicts within the broader framework of international conflicts. At the outbreak of the Crimean War Greece declared war on Turkey. A British/French military occupation of Greece (1854-57) served two purposes: it protected Greece from disintegration and made the country into the military stronghold it would otherwise never have become. Turkish hostility towards the oldest nation in the area is clearly motivated by the series of blows dealt to it by the Greek allied side. The Greek minority in Turkey, however, no matter how harassed and persecuted until now (its number has dwindled since 1945 from well over 100 000 to 10 000 to-day), has one great advantage over the other minorities in Turkey: next door lies independent Greece. In fact, Greeks and Armenians living in Turkey today are not ethnic minorities in a foreign land, but they live, witness and worship in their own home land, which has been "occupied". The names Smyrna, Ephesos, Troia and Bergamo are Greek.

What the Armenians learned from the Greek struggle was that in order to realise the ambition of a minority for independence the intervention of foreign powers was indispensable.

Later in the century Russian expansionism into the Mediterranean conflicted with western colonial interests. Russia wished to control the Dardanelles, and this was seen by Britain as a threat to her colonies in India. In two wars, the Crimean (1854-56) and the Russo-Turkish War (1877-78), the western allies managed to halt this expansionism. This policy brought them into an alliance with the Ottoman Empire.

At the Berlin Congress of 1878 the Ottoman Empire lost nearly the last of its European territories. It was at this time that Cyprus came under British administration. The Congress also took the decision to protect the Armenians and improve their situation in the Ottoman Empire. The higher interests of the major powers, however, prevented Britain and France from taking any effective measures when the fury broke upon the Armenians during the reign of Sultan Abdel Hamid (1876-1909). The Armenians by their alliance with Russia, through which they hoped to regain an independent Armenian state, brought Turkish anger to the boiling point. Acting as they did following the Greek struggle for independence, they put themselves in the position of being blamed for everything which went wrong in the Ottoman Empire. Between 1894 and 1896 some 20 000 Armenians were massacred. In 1909, the year in which Turkey was taken over by the

Young Turks' Movement, a further 20.000 Armenians were killed in the city of Adana.

This new Turkish government was the hope of the Armenians. Equality and brotherhood were the slogans of the day: it seemed that Armenian and Turkish nationalism had found their common denominator. Nothing was further from the truth. For the Turks to avoid the total disintegration of their empire they needed a unitary Turkish policy rather than one based on the brotherhood of different national entities. Political realism in the Ottoman Empire dictated the total suppression of any kind of nationalism whether of Moslem or Christian origin. Many groups cherished the ideal of nationalism: the Wahhabites and Hashemites in Arabia, the Alawites in Syria, Moslem and Christian groups in Lebanon, Kurds, Armenians, Nestorians, etc. When Turkey entered the First World War in 1914 on the side of Germany, the western allies sought the co-operation of these minorities, promising them protection or independence if they were prepared to fight against Turkey. Most of them agreed, and found themselves badly deceived after the war. None of the promises of independence was honoured.

Early in 1915 the Turkish Minister of Internal Affairs, Talaat, and the War Minister, Enver, decided to solve what they called the "Armenian Problem". The Armenians were blamed for everything, accused of high treason, of being a "fifth column" within the country. Local authorities were instructed to "deport" them. Central government had first taken the precaution of arresting and killing the Armenian leadership. The atrocities committed between February and November 1915 are beyond description. The male population was to be killed and the women and children driven into the Syrian desert. At this time between 600 000 and one million people were slaughtered. A similar number were deported, suffering starvation, disease, cruelty, rape and torture. A small percentage survived the march. Many of them were given refuge by the Arab Bedouins in the desert. Their descendents now live in the Arab countries, in the United States and other countries all over the world. Armenians don't forget Armenia. Language, culture and religion are preserved wherever they are.

After the First World War the peace treaty of Sèvres granted independence to a part of Armenia, following the collapse of the Russo-Turkish front in 1917. The territory was too small, however, to provide a home for the many Armenians who moved into this already over-populated area. The military victory of Kemal Pasha over Greek expansionism in Western Turkey, together with other military developments, nullified the Treaty of Sèvres. In 1923 the Lausanne Treaty created the state of Turkey as we know it to-day. A major provision of this treaty was the exchange of populations. Greek Christians from Turkey were exchanged for Moslems from the Balkans. Under this treaty, the non-Moslem minorities in the Turkish Republic were granted special rights in order to preserve their religion and cultural identity. Turkey regained the greater part of independent Armenia, while the remainder became a state within the USSR. At present (1979) an estimated 42 000 Armenians still live in Turkey.

After the First World War the few Armenians who had survived the holocaust felt abandoned by the western powers, just as had happened after the Berlin Congress. The same situation had in fact occurred: the western allies had more interest in maintaining good relations with the Turkish government than in protecting the Armenians: whereas Germany was disarmed, Turkey was not. This policy of keeping Turkey within the western defence line is still maintained until to-day, at the cost of the interests of the minorities within Turkey.

THE NESTORIANS are historically linked with Armenian politics. In the years 1915-1918 Nestorians lived in what is now the Hakari Province of Turkey, bordering on Iran and Iraq. They joined ranks with the Armenians in alliance with the Russians, took revenge on the Kurds, and killed hundreds of thousands of them. In 1918 the Kurdish leader Simko killed the Nestorian Patriarch. In the turmoil that followed, most Nestorians fled to Iraq, where they were cared for by British troops near Baghdad. In 1920 we find Nestorians armed and organised by the British in the so-called Assyrian levies. They moved to Kurdistan in an attempt to recapture their homeland, but failed. Two years later, however, the Nestorian settlement near Baghdad was almost emptied. Some of the Nestorians resettled in the region of Lake Urmia, where they had come from; others made their homes in the Sheikhan Mountains, which had come under the jurisdiction of Iraq (British Mandate). Two thousand Nestorians emigrated to the USA, and a small group stayed where they were.

In 1932 the British Mandate over Iraq was terminated and problems arose for the Nestorian community, culminating in a serious conflict between Patriarch Mar Eshai Chamoun Simon XXI and the Iraqi government concerning the authority of the Patriarch to govern the civil aspect of his people's life. The Nestorians, who had enjoyed a privileged position under the British mandate, now became the scapegoats for the weaknesses and failures of the Iraqi government then established in power and following governments.

In the summer of 1933 the Iraqis tried to wipe out the Nestorian communities. The Army flattened their villages. Mass execution of Nestorians revived the threat of genocide. Nestorian Christians moved out of Iraq and the Patriarch was expelled. He went to Cyprus and later settled in the USA. The people moved to Syria, where they were taken in. Many moved on to Lebanon and from there to the USA and other countries. In the 1960s discriminatory measures by governments in Syria and Iraq caused many of them to flee to Beirut.

Of the few Nestorians who had remained in Turkey, some of them moved out in the same period via Syria and Lebanon. Many of them became stranded in Lebanon because of lack of emigration facilities and since financial support for emigration was insufficient for most of them who are poor. The World Council of Churches provided finance for the construction of a permanent settlement for them in the Lebanese Beka Valley, near the city of Zahleh.

CHAPTER 3 : THE SYRIAN ORTHODOX MINORITY

OF THE TOTAL TURKISH POPULATION of 43 million, Christians with Turkish citizenship number slightly over 100 000 (1979). Of these, the Syrian Orthodox in South-East Turkey are about 25,000. There are only very small groups of the other Christian denominations in these provinces. About 65 000 Christians live in Istanbul. In the last decade, the number of Syrian Orthodox moving from the eastern province of Midyat raised the Syrian Orthodox community in Istanbul from a few hundred to an estimated 17 000.

Who are they ?

Their ecclesiastical denomination is the foundation of their identity. They belong to the Patriarchate of Antioch and All the East which has been in existence since the earliest days of Christianity. In the 6th century this monophysite church was reorganised by Bishop Jacob Baradai (hence the name 'Jacobites'). Because of the persecutions of this group under Emperor Justinian I, Bishop Baradai founded his own ecclesiastical hierarchy in opposition to the official one of the Byzantine Empire. This church exists still to-day.

At the beginning of the 8th century the monks of Saint Maron in Syria declared their province independent of the Syrian Orthodox Church. They took advantage of a period in which the Patriarchate was vacant. This church is also still in existence and is one of the principal Christian churches in Lebanon; the so-called Maronite Church, with its patriarchal seat in Bkirbe, near Beirut. This church has been in union with the Roman Catholic Church since the time of the Crusades. This relationship is important if we are to understand the effect of religious polarisation. Moslems and Christians in Turkey became greater enemies as the civil war in Lebanon polarised into a conflict with religious dimensions.

The Syrian Orthodox suffered persecution under the Byzantine Empire because they were "a heretical deviation from the official church". It was for this reason that they lived on the fringes of the Byzantine Empire and beyond. When, in the 16th century, the Syrian Orthodox came under the dominion of the Ottoman Empire a period of calm and relative prosperity began.

Moslem law, by definition, is for Moslems alone. Islamic faith means Islamic life in its totality. Those who are of the Christian or Jewish faiths, the so-called "dhimmies", must therefore rule themselves in the Ottoman Empire. The status of such "island communities with self-government" was regulated by the authorities. It meant that they had their own laws, courts, civil (=clerical) administration, etc. This is known as the millet system (community). It no longer exists in its pure form in the Islamic countries, but remnants are still to be found in such countries as Lebanon, Syria and Egypt.

In Turkey, the modernisation and westernisation in the Ataturk period (1923 onward) abolished the millets together with Islamic rule. Turkey received an administration on the western model. Instead of millet rule came the constitutional freedom of worship, for both Moslems and Christians. Legally there were no citizens other than Turkish citizens. But both Moslems and Christians, be they the majority of Turkish or the minority of Kurdish Moslems, on the one hand and the Christian minorities of the Armenian, Syrian Orthodox and Nestorian churches on the other, never completely got rid of the identity-formative structure inherited from Moslem rule. The Turkish state had to recognize identity factors which could not be wiped out by secularisation. Certain realities do not exist officially: a man may have only one wife at a time, but a number have more and state that this is Allah's will and mercy.

In answering the question: who are the Syrian Orthodox, we should, however, go beyond matters of religion. The roots of this minority's identity rest in the pre-Christian past. The community claims to be descended from Assur and Aram, the sons of Shem, son of Noah. This kind of Biblical mythology might sound strange to western ears, but such claims are nevertheless major factors in the development of national identity. In the same light must be seen their claim that their people were converted to Christianity through direct contact with Christ, and that their first congregation was founded in Jerusalem. Archaic features are an ingredient in making up the identity of eastern people.

Unlike the Armenians, the Syrian Orthodox were never an independent nation and therefore they do not cherish the goal of a "national homeland" as do the Armenians, the Jews, the Nestorians and the Kurds. When in the 19th century political ambitions of a nationalistic nature brought independence to the Greeks, political adventures for the sake of independence to the Armenians, all the Syrian Orthodox asked was to live on, undisturbed, in their millet. The Turkish fury which massacred the Armenians did not always distinguish between Christians of different denominations and identity. Syrian Orthodox were killed in their thousands through this "mistake".

A third characteristic of the Syrian Orthodox minority is their language. They speak Syriac which was the colloquial language of Palestine in the days of Christ. There are of course dialects and developments of this language. The liturgy of their worship and their rich literature, however, remain in the ancient Syriac, as with the Maronites in Lebanon.

It is hardly possible to study who the Syrian Orthodox are any longer. The way of life of the estimated 25 000 Syrian Orthodox Christians who are still living in the Mardin Province is not even a shadow of the community life as it was 15 years ago when circa 70 000 Christians lived in this area. Neither is the life of the 17 000 Syrian Orthodox migrants in Istanbul in any way representative of the original community life of these Christians in the South East. In Istanbul these Christians are becoming outcasts.

Poverty and demoralisation contribute to the picture of a half-destroyed national life. At the present time the life of the Syrian Orthodox minority in Turkey is in such a state of decay that we can only attempt to reconstruct it as it was.

Let us look at the homelands, the Mardin province in Eastern Turkey. In the Mardin area in 1978, 50 churches were still functioning, served by 51 priests. In the many monasteries only 13 monks and five nuns were left. Since there are many more monasteries than monks and nuns, some monks occupy the buildings quite alone, moving from one monastery to the other to give it the necessary care. Only ten monasteries still function. Church attendance in the villages often leads to harassment by the Moslem population.

Mar Gabriel is the most important monastery still in use. In a three-year course in its school the novices learn reading and writing of the old Syriac language and the ancient liturgy. The ancient art of manuscript and illustration is still practised. Every church owns a manuscript copy of the Gospel which is at least one hundred years old and is decorated with painted illustrations and miniatures. In Mardin can be seen a Gospel dating from the 12th century. Many precious manuscripts have been stolen or destroyed.

Most of the churches of the area were destroyed. The city of Hah was an important centre in the Middle Ages, with about 80 churches. To-day it is a field of ruins. The Turkish Ministry of Antiquities has not yet extended its activities to this area and as a result the ruins are in a state of neglect. Churches and chapels are used as stables by the Kurds.

Mar Yaqub has perhaps the most impressive church, dating from the 5th century and part of the monastery. In 1978 the 13 monks and five nuns left, and to-day there is one monk to tend it. Surrounding the monastery are cave churches carved from the rocks in the 3rd and 4th centuries by early hermits. These are decorated with the most wonderful reliefs. All is completely neglected.

The monastery of Deir-ul-Zafaran, which was once the home of 100 monks, is now cared for by two. This was for some time the residence of the Patriarch until he moved to Homs in Syria and later, in 1954, to Damascus.

Built in early Byzantine style, the monastery of Il Dath a Loho was allegedly founded by the Three Kings. These are but some of the existing remnants of an impressive culture. Hundreds of ecclesiastical buildings, however, are in ruins. In some places

people still live in the ruins of buildings destroyed during the massacres in the First World War, as in the village of Zaz.

Due to the migration of Christians the number of baptisms has dropped by more than 80 per cent between 1968 and 1978. There is one aged Syrian Orthodox bishop for Tur Abdin, residing in the Monastery of Mar Gabriel. Patriarch Mar Ignatius Yaqub III resides in Damascus. Syria has one original Syrian Orthodox Parish in the ancient village of Ma'alula, north of Damascus. Syrian Orthodox also live in other parts of Syria, Lebanon, Israel and overseas.

CHAPTER 4 : SOUTH EASTERN TURKEY

THE HOMELANDS OF THE SYRIAN ORTHODOX CHIRSTIANS have always been ruled by large nations such as the Romans, the Armenians, and the Ottoman Turks. The region to-day is Moslemized. In the provinces of Adiyaman, Diyarbakir, Gaziantep, Maras, Mardin, Siirt and Urfa, which form the administrative unit of South Eastern Turkey, the massacres among the Armenians and the latest persecution of the Syrian Orthodox left no more than 25 000 Christians in the area out of a total population of three million. In the cities of Gaziantep (235 000), Diyarbakir (125 000), Urfa (139 000), Maras (77 000) and Adiyaman (22 000), not only the Christian population, but also most of the churches disappeared. Fortunately the Armenians in exile acquired the habit of building their churches as copies of those they had had in Turkey. Travelling around the Middle Eastern and American Armenian communities one can still see the churches of Maras, Adiyaman, Diyarbakir and Yozgat.

It should be mentioned that the Christians living in the provinces of South Eastern Turkey do not all belong to the Syrian Orthodox community, but that there are also small numbers of Christians belonging to other minority groups. Apart from a few thousand dispersed Armenians in the East, there are 2 000 Arab Orthodox Christians living near Iskenderun in the south, and approximately 2 000 Nestorians living in the Hakkari province, in the east of South-Eastern Turkey.

The Syrian Orthodox call their homeland Tur Abdin, "the Mount of the Servant of God". There is mythical identification of this region with the oldest Biblical stories. The rivers Tigris and Euphrates flow through this dry area, where rainfall is limited and snow covers the land in winter. The soil is poor and even in the best of times no more than 20 per cent can be cultivated. The greatest part of the cultivable land was used by the Christians for dry farming of cereals. Wherever irrigation was possible and the soil fertile enough, agricultural production used to be higher than the national average per acre. Cotton, tobacco, rice, fruit and vegetables were the traditional products of the region. Since more than half of the original Christian population has moved out in the last decades, the cultivable land is neglected. The new owners left it chiefly to their animals. In addition to the migration of the Christian population and the low standard of agricultural production among the Kurds and the Arabs, the economical decline in Turkey in general should be mentioned as one of the main causes of general impoverishment.

The traditional Christian population of the area has long had a strong class of merchants and artisans, with family links to the farming people. As in so many agricultural areas, this interwovenness of peasantry and this middle class maintained the subtle socio-economic basis on which traditional agriculture could survive. Through this development, the Christian community prospered. Remains of churches, monasteries, and other buildings still witness to wealth bearing no comparison to anything else in the area. The economic difference is certainly one of the motives behind the violence between the groups in this region.

Development of the area would certainly be worthwhile, also in terms of industrial exploitation. There are considerable mineral and oil deposits, there is chromium and copper in the north, and the rivers have hydroelectric potential which Turkey has only recently begun to exploit. Development, however, is greatly hampered by Turkey's financial problems. The government has insufficient centralised power to stop overspending by different departments and to control the black market in the country. Hence inflation is at a disastrous level and industrial investment faces serious difficulties. Any, of course, the poorest people suffer most from the economic deterioration, the Kurds in the area tend to blame the Christians because they obviously know how to escape from misery and become "wealthy". However, there are many Kurds who are exploited by their traditional leaders. As of yet the Kurdish peasant group has not directed its criticism towards these exploiters. They rather blame the Christians. "scapegoating" is a part of the seemingly inevitable mechanism in such developments.

Turkey is not a Moslem state in the old sense of Islamic rule. It is a facade of western rule which in reality has limited power in areas like the South-East where the majority of the population are Kurds, with a language, culture and descent different from the Turks, and who very often identify strongly with Islam. Like the Syrian Orthodox, the Kurds, too, have their myth of descent. Their ancestors are reputed to be the Medes who conquered Nineveh in 612 BC, only to be conquered in their turn by the Persians in 550 BC. It is a fact that the Kurds have no ethnic ties with the Turks or the Arabs. Their language is Indo-European (like Persian and Armenian), completely different from the Altaic languages of the Turks and the Semitic languages of the Arabs and the Syrian Orthodox. The majority of the Kurds belong to the main stream of Sunnis (90 per cent of all Moslems in the world), but there are also Kurdish Shiites (Alevites), and Kurdish Christians. Only a small number of them belong to the Yezidi sect, which can be considered as a mixture of Islamic and other eastern elements, sometimes misleadingly referred to as "devil worship". The Yezidis, like the Christians, suffer local persecution.

For a proper understanding of the mutual relationship between Kurds and Christians in the area we must look at the tribal system. Kurdish life revolves around the tribe. There are, however, Kurds who do not belong to a tribe. They are the "have-nots" who earn their living as croppers and labourers, often dwelling in temporary tents or huts for as long as they have been hired. These seasonal workers move from place to place.

Considerable numbers of them sought a living in the Lebanon until the civil war forces them to return to regions of Kurdistan. The tribal Kurds, living in villages in remote mountain areas, with a few hundred inhabitants, have neither the economic means nor the improved means of communication to change their traditional patterns of work or social allegiance. They are controlled by feudal landlords who in most cases are either tribal chieftains (aghass) or religious leaders (sheiks). Land distribution is grossly inequitable.

Traditionally part of the Christian rural population was also under the control of a Kurdish agha, whereas other Christian tribes had their own Christian aghas. Within the traditional tribal system it is normal, although by no means officially sanctioned by the Turkish government, that the aghas are paid tribute by their people, Moslems and Christians alike. It can be seen as a kind of taxation system, in return for which the aghas protect their people and care for their general well-being.

Kurds throughout the centuries have struggled for survival. In the Ottoman Empire Kurdish intransigence was usually neutralised by calling the Kurds into the army, where they became the best warriors of the Empire. After the modernisation of the Turkish state in this century their struggle found expression in strong nationalistic revolts in the 1920s. For two reasons they redoubled their efforts to cut Kurdistan off from Turkish rule : first of all Britain had promised them independence in return for their co-operation in the fight against Turkey in the First World War, a commitment which the Kurds, for their part, only partially fulfilled, and which Britain did not fulfil at all. Moreover, President Wilson of the United States declared in his twelve-points "Program for World Peace", that non-Turkish minorities should be assured an absolute, unmolested opportunity for autonomous development. The Ataturk revolution put an end to these declarations of intent from the great powers.

Secondly, the Kurdish revolt had the element of religious justification. The modern Turkish State is a secular state, and this violates the revelation which the Prophet Mohammed was given by Allah who rules the world. The abolition of the office of Caliph by Ataturk led to many revolts, the most important of which was led by a Kurdish religious leader Sheikh Said. The revolt was both nationalistic and religious, a reaction to the Turkification and the secularisation of the Turkish republic. According to Kurdish sources, some 250 000 Kurds were massacred in clashes with the Turkish army. Revolts and uprisings, however, continue to this day.

The Turkish government uses all possible methods to break Kurdish nationalism. In recent years Kurdistan has been hit by several severe earthquakes. The Turkish Ministry of Reconstruction

with the help of donations from western countries tried to dislodge the Kurds from their traditional villages by building townships of concrete, earthquake resistant structures. For various reasons the Kurds refused to settle there. Completely deserted, half-built apartment buildings can be found in Eastern Turkey: mute testimony to a vain attempt to contain a proud and self-assertive people.

These happenings among the Kurds have repercussions for the Christians. As described in the chapter on the Armenian, Greek and Nestorian minorities, the alliance of the Christians with the so-called Christian powers of Britain, France and Russia in the 19th century and during the First World War is well remembered in Kurdish circles. The massacre of the Kurds by the Christians during this time although by no means on the scale of the massacre of the Armenians, was a blow to Kurdish self-esteem for which the Kurds still cry for vengeance. They, like the Christians, remember who the perpetrators were.

Until the late 1960s the Syrian Orthodox community lives in South-East Turkey. Only a few families lived in Istanbul or elsewhere. Prior to 1923 (the Lausanne Treaty) they had their own schools in the area. The Lausanne Treaty provided them with the "de jure status" of a non-Moslim minority (as was granted to the Armenians, the Greeks and the Jews); Turkish interpretation did not. The only schooling possible in their own language and culture was in the church's seminaries in Mar Gabriel and Deir ul Zafaran, until 1920 the Patriarchal Seat.

Since 1978 this schooling programme of Deir ul Zafaran has been considered illegal by the Turkish Ministry of Education. The priest in charge of the school, who is at present (May 1979) awaiting trial, faces six months' imprisonment if found guilty.

The children do not receive education in their language, history and culture in the public schools. Therefore, the Christians are vulnerable to the Turkish assimilation policies. The Christians with a weak leadership are fighting a losing battle to preserve their cultural integrity and the possibility to transfer their cultural heritage to their children.

From the mid 1960s the Syrian Orthodox Christians started leaving South-East Turkey. Some joined the flow of migrant workers to Europe; some went to Syria and Lebanon; others settled in Istanbul. As a result of increasing pressure and violence, however, what began as a migration more and more took on the characteristics of a flight. Several factors were responsible for this, in particular the Cyprus affair and the situation in Lebanon aggravated the already strained relations between Christians and Moslems. The Cyprus affair became a symbol of Islamic rehabilitation; the Lebanon war caused an outcry concerning the mistreatment and killings of Moslems by Christians. Kurds returning to South East Turkey from the Lebanese battlefields broadcast the Christian cruelty.

Those few Christians still remaining in South Eastern Turkey are the remnants of a once large community. As long as they are still under their own roof, there is still a sense of security, of belonging, of dignity. As more and more Christians leave the area, the community's position deteriorates and fear becomes its dominant feature. Well aware of their traumatic history, with the hundred thousand or more victims of the massacres of World War I and the subsequent local outbreaks of hostilities in the fifties and sixties, the Christian community looks with resignation to the inevitable.

Outsiders, foreigners, whose attention is called to the problem of refugees from this area knocking at their door, tend to deal with the problem in an abstract manner to isolate incidents into "harrassment" and "discrimination". Foreigners do not always remember but what is a central point for the Christians is the totality of a century of atrocities in its final phase, and it is now leading up to the total irradiation of the last Christians of Turkey.

The result of this migration, c.q. flight, is very significant: the Syrian Orthodox community in Tur Abdin dwindled from approximately 70 000 to around 25 000. Some 28 000 found their way to Europe, USA and Canada, and a few to other countries. 17 000 ended up in Istanbul which formerly had no Syrian Orthodox community of any significance. The fact that escape to Syria and the Lebanon is no longer possible because of the civil war in the latter country made Istanbul the most important intermediate or final station on the way out of Tur Abdin.

The depopulation of South-East Turkey resulted in a complete socio-economic change in the area around Midyat. This town ceased to be the commercial centre which the Christians had made it. It lost many of its original active Christian inhabitants to Istanbul and Europe, but it also took in new Christians - villagers who sought greater security in Midyat than they could find in their own villages. Not only did these people come from the neighbouring villages but even Nestorians from the Hakkari Province found their way to this town where they now live in the abandoned houses of the Syrian Orthodox. In spite of this exchange, the total Christian population of Midyat has diminished considerably : 500 Christian families are left there, of whom 200 are ex-villagers. Many of the families are incomplete and consist of elderly people. It is hard to say how long Midyat will go on serving as a gate between the rural regions on the one hand and Istanbul and Europe on the other. The persecution and acts of violence of which we shall now give more details certainly do not leave Midyat itself untouched.

To understand the role of tribal leaders in the persecution of Christians in South Eastern Turkey, some remarks are necessary.

LOCAL POWER STRUCTURE

M.M. van Bruinessen's paper, "The Christians of Eastern Turkey, the state and the local power structure." outlines quite adequately the role that the Kurdish Tribes, their leaders (Aghas) and the Sheiks (religious leaders) play in the political system applied in Mardin. Mr. van Bruinessen also points out that in the modern, western system of the republic of Turkey, and the "traditional" local political system, Aghas and Sheiks play key roles and are not only mutually connected, they are even strongly dependent on each other.

In this section we illustrate the tribal system in Mardin using the tribal-name, Aghas name, and the villages under each tribe's control. Where names of villages were not available, we include the number of villages controlled by each tribe.

Tribal name	Agha's name	Villages controlled by this tribe/family
BATTE	SALIM BATTE	Eight villages
CELEBI	SEHMUS CELEBI	Twenty villages
SMAILO (VERDE)	SELIM SMAILO	Bahvare(m), Hanika(m), Ahlah(c) Pirkan(m), Dibban(m), Kefseng(m) Kemme(m), Harabé-nase(m)
CIMO	FELEMES CIMO	Hah(c), Bokisyono(c), Zaz(c) Derike(m), Harabé(m), Derikjan(m)
MIDYAT	ZIVER MIDYAT IZMET MIDYAT	Midyat(c and m), Kersef (m), Enhil(c), Daline(m), Haradé- Kafre(c), Bacine(m)
TIMUR	ABDULLAH TIMUR	Arnas(c), Bate(c and m), Yerdo(c) Salih(c and m), Binkelbe(c and m)

Another man of influence in Midyat is Sabri Nehrozoğlu, the leader of the Muhalleme (former Christians who were converted to Islam by force). He resides in the Estel section of Midyat.

Besides the abovementioned Aghas there is also a system of Kurdish village headmen. These are usually the heads of family sections within the different dominant Kurdish tribes. They are considered the village-Aghas. The following is a list of the Kurdish village-Aghas. In some examples it can be noted that the tribal-Agha is also the Agha of the village he resided in or was born in.

Village	Village-agma
MIZIZAH	SEHMUS CELEBI
DALINE	NUMAMMEDE HASINE
STRATO	FELENEZ CINO
SOHRANE	TAHLE
NUSAYBIN	BESIR SEHANO
	HACI IBRAHIM HAMO
BEMENHEM	CEMIL SERHANO
KARTMIIN	HISYNE MELLE .
KAHERZE	HAVINE
ARNAS	SMAILOLAR (SMAILLOS)
MARBOBO	DERVES SERHANO
ZAZ	HISNE CEMO
MIDYAT	ZIZER MIDYAT
	SABRI NEHROZUGLU

The Muhtar (village elder or neighbourhood contact man), is the lowest elected official within the Turkish political system and, as M.M. van Bruinessen points out, is virtually powerless. Muhtars register the births and deaths in their village/neighbourhood. They act as middle-men between the authorities and their people.

There are 18 Christians holding the position of Muhtars in the Midyat area.

Starting in 1976 when large numbers of Christians from Turkey began to apply for asylum in a number of European countries, the question of the involvement of the Central Government has been one of the major questions. M.M. van Bruinessen, in his paper on the socio-political system in Eastern Turkey defined the relationship between the modern, western system and the traditional feudal system. He defined the elective process and the duties of the elected representative to the electing constituencies. In this section we will give the names of the elected representatives and point out certain relationships they have to several Aghas and one Sheik from the region of South-Eastern Turkey.

P A R L I A M E N T

Mardin Province is represented in the Parliament by two senators. Both the present elected senators come from Midyat. Both are Kurds. Both are members of the traditional political system as well as representing this system in the modern, western system in Ankara.

SAIT MEHMEDOGLU: (AP) and relative of ZIVER MIDYAT
MEHMET ALI ARIKAN: (CHP) a Muhallami from Estel

In the Congress ABDULKEIM ZILAN represents Medyat. He is the brother-in-law of ABDULLAH TIMUR and the son of the SHEIK in the Province of SIIRT.

ACTS OF VIOLENCE AGAINST CHRISTIANS IN SOUTH EASTERN TURKEY

The authors of this Report have studied hundreds of asylum applications made by individual asylumseekers in European countries. They have studied earlier reports written by experts and specialized observers. Several authors have led research teams which, independently from each other, investigated the situation in the Mardin-Midyat area between 1977 and 1979.

At the request of the Working Party a multidisciplinary team of researchers from Istanbul has studied the situation in ten villages in the Midyat region in February-April 1979. This special study was undertaken at great risk to the investigators and to the villagers who agreed to answer questions.

Out of this wealth of material we have tried to draw a picture of present-day life in a representative group of Christian-inhabited villages in the Midyat region. This picture is also true for other of such villages in the wider area, as well as for the Armenian-inhabited villages further to the East. No reports are available from the Nestorian villages in the remote mountainous province of Hakkari. On the other hand, the Christian minorities that are still living in bigger centres in the East and South-East, such as Diyarbakir and Yozgat, are living under similar conditions as the villagers.

Using the 'Ten Villages Report' as basic material we have categorized the acts of violence that were committed against Christians, indicating the frequency with which they were reported to occur. We have to stress that the information is anonymous (for safety reasons no names of villages, victims and reporters can be given) and necessarily incomplete. For instance, from three villages it is reported that the property is stolen from the families where only women and young children are left, the husband and elder sons trying to find a way out either by starting a living in Istanbul (see Chapter 5) or by seeking asylum abroad.

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VIOLENCE IN 10 VILLAGES IN THE MIDYAT REGION
1975 - 1979

Type of violence	Number of Cases				
	1975	1976	1977	1978	1979 (x)
Assault				1	1
Attempted kidnapping				1	
Kidnapping		1	1		
Attempted murder	1	1	3	6	2
Murder	1	1		3	4
Attempted armed robbery	1				1
Armed robbery	1		1	2	2
Theft of animals		2	1	3	13
Destruction of fields, vineyards, crops		2	1		
Theft of property	2		1	1	1
Extortion	1	2		3	
International extortion					2
Forces marriage, conversion to Islam		1	1		2
Armed retaliation (xx)		4	1	3	2

(x) figures for the first quarter of 1979 only

(xx) for the filing of a complaint with the Police/Gendarmerie

As stated before, because of lack of time and incomplete information only a limited number of acts of violence that occurred in the ten villages has been brought together in this graph. One should also keep in mind that one 'case' may stand for several 'victims'. For instance, in the village of B, the following cases of theft have been reported:

January 1978	25 animals stolen (one Christian's property)
April 1978	130 animals stolen (several Christians' property)
April 1979	20 animals stolen on 2 occasions (one Christian's property)

Dogs are used by the villagers for protection against attacks. It should be noted that 14 dogs have been killed this year (1979) in the village of B.

Who are committing these acts of violence against the Christians? In all cases the perpetrators are Kurds, mostly Moslems, sometimes Yezidis. They have been recognized (names are on file), as they were either inhabitants of the same village or of Kurdish villages in the neighbourhood. In many cases they had been sent by an agha, a sheikh or an imam. Very often they acted as a gang. In one case a nephew of the Kurdish agha in the region reportedly led the attack.

In no case the perpetrator was duly punished. In many cases no complaint was made at all for fear of retaliation. In four cases the Kurds who had committed murder asked a Kurdish lawyer who at the same time was their agha, to defend them; this led either to stopping the trial itself, to immediate release of the murderer, or to his release after a short time (2 months, 5 months).

Many cases of extortion have been reported. Kurdish traditional leaders have developed a system of extorting Christians in the area by threatening a family with violence, demanding products, cattle and cash. This extortion has even become an international pattern for the Christians: Kurdish aghas or their representatives travelling to Istanbul and to Europe, blackmail the Christians there by threatening violent acts against their relatives still residing in their village.

Hereafter we shall give an extract from our files on six villages. The names of the villages, of the victims and the perpetrators have been omitted for reason of safety. For legal purposes, the original files are available for confidential use.

Village A had 80 Christian households (each containing more than one family in the western sense) in 1974. Now there are only 42 households remaining. Among the incidents in this village is the case of the kidnapping of a girl by three Kurdish men, one of whom wished to marry her. She was 14 years of age. The Kurds came from the same village and the kidnapping took place on the eve of the girl's wedding to a Christian boy of the village. As relatives were preparing for the wedding which was to take place on the following day, Sunday, the Kurds broke into the house. The family dog was killed as it tried to protect the house. In the gun battle the girl's aunt was shot in the chest and required surgery in which the right lung was removed. The kidnapping was successful.

The parents contacted a lawyer, a member of the Turkish parliament, and took court action to have the girl returned. Although the parents appealed to the court in Midyat no fewer than ten times, no decision was taken. The parents then instituted a civil case in Ankara's Söke (Appeal Court), but without success. The family of the three abductors, however, also had their problems. As the girl was too young to be officially married they attempted to have her age raised to 18 by court decision. This failed at the first attempt. Thanks to the intervention or bribe of an influential relative they succeeded in having this done by another court. The girl's age was raised to 18; she was forcibly married to the Kurd. The couple now have a child who is officially registered as a Moslem.

Village B in 1975, had 80 Christian households. In 1979 only 38 households were left. Thirteen men from this village are in Holland where they have applied for political asylum. Their families are still in the village, and every night there are attacks on Christian houses. The aim of these attacks is to steal cattle and other property from the families in which it is chiefly the women and children who remain to guard the home. In this village a Christian widow with young children was attacked by 12 Kurds in April 1979. They broke down the door of the house and stole everything of value, even the gold earrings were ripped from her earlobes. She and her children were thrown out of the house. Other villagers sheltered them, but the attackers followed and chased the woman and her children away. By night they walked the 20 kilometers to Midyat where they found shelter. After looting the house, the attackers destroyed it.

Prior to 1976 the people of this village had no complaints. At that time 75 per cent of the villagers were Christian. Of the 25 per cent Moslems, the majority had moved in from neighbouring villages since 1967. One single incident started the Christian migration : a Christian man was shot at and wounded. His family filed a complaint with the local police. This triggered off a series of attacks against Christian houses. These attacks continued until the family withdrew the complaint. The police had done nothing to protect the Christians from attack. As a result, 18 families moved to Midyat.

In 1978 a woman whose husband worked in Istanbul and whose five children lived with her mother in the village was the object of an attempted kidnapping. The villagers sent her and her children to the monastery of Mar Gabriel for protection. The Kurds discovered where she was and attacked the monastery with machine guns. The villagers arranged for her to move to Istanbul. On the bus from Midyat to Istanbul the attackers threatened to shoot and abduct her. The bus owner, a Moslem from the Estel area of Midyat, placed her under his protection and managed to get rid of the attackers. The woman reached Istanbul in safety.

In January 1979, a man from village B sold his land to another Christian for 20,000 Turkish Lire. The Kurdish agha visited him and told him : "Don't you know that when you leave this village your land becomes ours ? This is our village, not yours." He was then forced to hand over the money. A complaint was laid with the court but no action taken.

On February 19th, 1979, a 13-year-old girl was kidnapped by three Kurdish men. They tried to have her age raised by court decision but were unsuccessful. In the meantime her father, through a lawyer, had obtained a court decision that the police should arrest the kidnappers and produce the girl in court. No action was taken. When the father requested that the police carry out the order they answered : "You bring the girl to us and we shall take her to the court." The girl has not been returned to her family. In this case it was clear yet again that the local police will take no action against the Kurds, even on court order.

Village C in 1974, contained 100 Christian households. Today there are only 36. In the village the Moslem leader (imam) gave religious instruction to the youngsters. One day in 1976 two Christian women went to the village well to fetch water. "If you become Moslem we shall marry you !" taunted two of the students, aged 14 and 15. The women cursed the boys and chased them away from the well. The imam then sent a message to the village priest to say that the Christians must pay 3 000 Turkish Lire for each of the boys, as a fine for the insults, and that unless the sum was paid within the hour the fine would be raised by 1 000 Lire with each hour that passed. "If you people refuse to pay, you know what the result will be !". They paid the 6 000 Turkish Lire.

In the same village, at harvest time in 1977, 625 acres of land were seized. A Kurd, aided by seven men, forced the owner and his workers from the land saying simply: "It is ours". When the owner filed a complaint these same people attacked his house and threatened to kill his wife and burn the house unless the complaint was withdrawn. He then sought justice through the village agha, taking him presents of sheep, farm products and money. He did not get his land back.

On April 19th, 1979, a Christian opened the door of his house to find a number of Kurds standing there. They demanded his best sheep, saying they were for the imam. The Kurds were armed with automatic weapons.

The Christian villagers of D had part of their fields taken by Kurds from three neighbouring villages in 1949. Their leader filed suit with the Court and after a two-year process succeeded in regaining them. Then he was murdered by one of the Kurds. This man was arrested, convicted and sentenced to 24 years in prison. He was released from prison after 5 months by his Kurdish lawyer.

In 1958 the struggle for the land began again. Since then 10 Christians were killed because they sought due process of law in order to regain the use of this land.

More fields were taken in 1968. They constituted the major part of the Christians arable land. The theft occurred just prior to harvest time and also included the harvest.

Shortly after this theft the same Kurdish people attacked the village and stole all the animals belonging to 160 families. When the Christian leader (son of the murdered father) filed a complaint with the local Gendarmerie, ten Kurds were arrested. However, a powerful sheikh contacted the captain and said: "This is a religious problem between Christians and Moslems. Why are you arresting my people?" Two months later and without a trial taking place, the ten Kurds were set free.

In 1976 the Court, after a visit to the village, decreed that the land belong to the Christian villagers. Once the judge and the soldiers had left the Kurdish people started an attack on the village. The soldiers upon hearing the battle returned and arrested some Kurds. In court all but two were released as the holy month of Ramadan had begun. The two who were detained were released after 25 days.

The villagers have not succeeded in regaining their land. They have appealed to the higher court in Ankara but to no avail. Each night the men from the Kurdish villages move in attack and shoot. In 1979 they stole all the animals belonging to 120 families. Once darkness falls no Christian leaves his home. Even during daytime the Christians are armed. The Gendarmerie do not patrol after dark.

Now, in 1979, the Christians have given up their struggle for their fields. Their leader said, in April 1979: "If they send us to Siberia we will go but we will not stay in Turkey".

There is the case of four Christians in village E who are falsely accused of the murder of a Moslem in January 1978. On-the-spot investigation by a team resulted in the following report:

"On January 26th, 1978, around 9 o'clock in the morning, about one hundred Moslems attacked the Christians. They came from seven villages in the area.

Report of a young man about what happened that day:

The Moslems entered my house and stole everything. I was beaten up and thrown to the ground. In the meantime my cousin came to help me. A stone was thrown in his face. Lying on the floor, our faces covered with blood, they thought that we were dead and they left. My cousin lost an eye. We lodged a complaint, but nothing happened.

Another person relates: the Moslems killed a beggar who travelled from village to village. This beggar was killed in a Moslem house in our village. No one knows how he was killed. The Moslems say that it was the Christians who attacked first. In front of the authorities they justify their attack on the grounds that they acted following the murder of the beggar by the Christians."

Four Christians were arrested and imprisoned the very day of the attack. No Moslems were arrested. The Moslems declare that at the time of the attack they were in their own village. Four of the people, among whom were three village leaders, lodged a complaint. Following this action these Christians were unable to go out for the next ten days because they were constantly under attack from the Moslems.

A month and a half later a (Christian) driver from the same village was killed. When the villagers went to visit the family in mourning, they were shot at with automatic weapons.

For four or five years now the attackers have been armed with automatic weapons. Previously they had other types of weapons.

The Christians of this village testify that there are attacks and robberies daily. They dare not travel alone, nor go into their vineyards nor with their flocks. This undermines the very basis of their existence. "We can no longer live."

They complain that their situation is so serious that the teacher of Aramaic was forced to leave under threat. The priest had died and no one has come to replace him. "We have no one to give us any comfort."

Lastly, we want to give information on what happened in the township of Kerburan, which is not included in the Ten Villages Report.

Kerburan is a large village or township in the province of Mardin, which has a central position in a subregion of ca. 20 villages. Until 15 years ago Kerburan was predominantly Christian, counting some 240 Christian families and some 70 Moslem families. The villages in the area however were mostly Moslem-inhabited. Kerburan had a Christian agha, by the name of Yakup Can, who had a great deal of influence on life in the area, both of Christians and Moslems. He was murdered by Moslems in 1954, and succeeded by his brother Abdul Karim Can. This murder was the start of an unending series of attacks and robberies aimed at the Christians of Kerburan. Many of them fled to Sweden and Germany, some to Austria and the Netherlands. In 1964 Abdul Karim Can, under heavy Moslem pressure, gave up his position as an agha. Another Christian leader, Endravuz Demir, was given the position, but after several months, he had to resign as well. Since then the Kurds took the leadership of the town and the subregion in their hands, Ahmet Abdullah Kilic becoming the agha of both Moslems and Christians. He has a good relationship with MP's and Senators of the region, especially with Nerettin..... from Cizre, Mehmet Ali Arikan from Midyat and Fehmi Adak from Mardin. In the local elections he provides them with the votes of his men, and in return he is fully supported by these parliamentarians.

Abdul Karim Can had to leave Kerburan for Midyat in 1968. In 1974 he fled, with many fellow-Christians, to Sweden. Endravuz Demir had the courage to stay. He was the only Christian leader in the area, protecting the church and its properties and supporting the remaining Christians - in 1978 only 10 Christian families were left, who suffered from all kinds of violence. In October 1978 Endravuz Demir, 70 years old, again submitted a complaint on these atrocities to the authorities. Shortly after, on 29th October, at daytime, he was encircled by a group of Moslems and shot dead. This was the sign for the remaining Christian families to flee and to seek asylum in Sweden. Today there is no Christian living in Kerburan.

The previous information on villages and tribal leaders refers to the Syrian Orthodox in the Midyat region only. We shall now direct our attention towards the region east of the Tigris where a few villages and townships are still inhabited by Armenians. We shall present the case of one of these townships here.

In the region of G. five Kurdish tribal chieftains (aghas) - each one being the leader of 200 up to 300 men - are in power. They have good relationship with the government in Ankara and thus are able to govern the region. Each agha exerts power over a number of Armenians, who are in a position of vassals or 'flas'. In return for the services rendered to their agha the flas receive this protection. Until recently (up to 15, 20 years ago) a fla had to do all the work for his agha, to carry his food-products and rifles, dye his cloth, look after the children, serve his food or his coffee, etc. A fla could be transferred, as a gift or against payment, to another agha, and could be passed by him to his daughter when she would marry. One may wonder how these Armenians had been able to escape the genocide of 1915 and the earlier massacres. The explanation is that the flas at that time were the only persons who were skilled artisans: blacksmiths, weavers, dentists, etc. and merchants. The other inhabitants of the area were poor Kurdish peasants who depended economically on the Armenians. Thus the aghas decided to save all those who had not been able to flee, although many of them were forcibly converted to Islam. These people, called 'musulmeni', have got rid of their vasselhood but for the rest have not obtained a better position than before.

Today the flas are still in the hands of their aghas, and have to give them their support. The influence of the aghas on community life however, has considerably declined, which means that the Armenians are less protected by their aghas than before. On the other hand the non-tribal Kurds, the so-called "Kermanci", the poor illiterate peasants mentioned earlier, who have been oppressed by the aghas for many centuries, have gained in importance. They constitute 80% of the total population and, by their number and by becoming politically concious, have been able to obtain political power in the region. They consider the Armenians as the puppets of their enemies - the tribal clans people - and, knowing that their actions are practically without defence, continually commit all kinds of atrocities against them. They need not fear punishment, as neither the police nor the agha will take action. The Armenians thus being squeezed on two sides have decided to leave the area and to seek refuge in Europe and the United States. Already 70% has left in the past decade. Of the remaining 10 families (names are on file) only older people are staying behind, the younger ones looking for the first opportunity to escape from the situation.

Of all this information from various sources with respect to persecution in South East Turkey, we can state that over the years 1975 - 1979, an increase in the number of cases of violence against Christians can be noticed, whereas the population of Christians has been decreasing significantly. The following conclusions can be drawn:

1. Christians are victims of continuous violence which is specifically directed against them.
2. If victims filed complaints with the police or the courts they were exposed to group retaliation.
3. The police or court authorities accepted withdrawal of complaints without pursuing the case on behalf of the public prosecutor.
4. Those persons who have been arrested for crimes against Christians have been released shortly after conviction even though their official sentence in some cases was for many years confinement in prison.
5. Flight to, or residence in, a foreign country no longer affords the Christian protection from persecution as long as they have relatives left in Turkey, since these relatives are used as hostages in order to terrorise and extort money from those in Europe.

CHAPTER 5 : ISTANBUL

PEOPLE ONCE SET on the move by events in their homeland are never able to resettle in a sense that satisfies their basic desire for their land and their identity. They are on the move to an unknown destination.

When, in the beginning of this century, persecution of the Christians, and especially of the Armenians, was still organised by the Turkish government, the old capital of the Ottoman Empire was a relatively safe place of refuge for those Christians, because the Turkish authorities were careful enough to conceal evidence of persecution from the many western diplomats in Constantinople. Besides, the city at that time offered opportunities for work, schooling, trade and emigration.

Times have changed as the numerous Syrian Orthodox Christians found out who had fled from Tur Abdin to Istanbul during recent years.

Before describing their living conditions in Istanbul in greater detail, let us look at the life of Christians who have lived so much longer in this city and have enjoyed property, status, and an established standard of living: The Greek and Armenian communities now (1979) comprising respectively ca 7500 and ca 40000 people. They are the "haves", in comparison with the "have-nots" of Syrian Orthodox stock. For this reason, the authorities at the local level have an interest in them, but not in the Syrian Orthodox. Any illusion that the local authorities in Istanbul would honour the good intentions of the Ankara administration to protect the minorities is destroyed by the description of the discrimination suffered by them.

The Ecumenical Patriarch Demetrios stated in a telegram sent to Prime Minister Ecevit on the 20th of March 1979:

".....The Central Administration for Church Property, referring to alleged disturbance of public order, has demanded that the title deeds to lands which, after 1936 in the framework of the law, were awarded to the Ecumenical Patriarchate and its diaconal institutions be declared null and void. Furthermore, a tax of 5 per cent is being demanded. As a result legal proceedings were instituted. The Administrative Boards were prevented from carrying out their work ; religious and cultural objects were expropriated ; the telephones in our schools and social service institutions were seized and taken away. On the other hand, the Treasury is ordering our churches, schools and service institutions to pay land and property tax, and is pressurizing us. During the court case, initiated by the Central Administration for Church Property, our Administrative Boards were denied the right and competence to name their own defence lawyers. This right, guaranteed to all Turkish citizens by the Constitution and the law, particularly the law relating

to legal defence, was denied our Administrative Boards. On this basis the members of the Administrative Boards were taken before the State Prosecutor and the police, and pressure was exerted upon them. The business has now gone so far that in recent days certain practices have occurred which were unheard of in the time of the Ottoman Empire or since the founding of our democracy.

"Thus the Central Administration for Church Property, in the name of the State, has taken over and seized churches, institutions and property belonging to our Patriarchate. Under this action, the following churches, institutions and properties were seized : the Orthodox Church of Saint George, Edirnekapi/Fatih and Fener-Morat-Molla ; the Mother of God (Panagia) in Salmatobruki ; the Mother of God in Tekfur-Serai ; and the Orthodox Church of the Taxiarchen in Steni. After these events it is possible that other churches and parish properties may be seized at some time in the future.

"It is in our capacity as Patriarch that we lay before you a complaint and inform you of these events. There is no legal foundation which can justify the action of the Central Administration for Church Property

"....On these grounds we request your intervention with the competent authorities, and ask that the appropriate decrees be made which will put an end to the illegal actions of the Central Administration for Church Property."

The Armenians describe their situation as follows :

"The Armenians have their own schools, churches, and even issue their own newspaper. But chicanes concerning properties are endless and aim ultimately to disappropriate the Armenian community totally. The authorities consistently refuse to give permission to build new constructions on vacant church property, although they assess property taxes without allowing the church to utilise plots. Permission for repair, restoration or even maintenance of churches, schools and orphanages is given with immense difficulty and long delays, without right of additions or alterations.

"If Armenian people wish to donate their properties to the Armenian churches, the authorities do not recognise such endowments. In the case of an endowment intended for the Armenian hospital in Yedikule, the authorities confiscated the donation.

"Because of the construction of a new bridge over the Golden Horn in the section of Halicioglu of Istanbul, two Armenian churches and two orphanages have been demolished. The money from the sale of these buildings and other properties seized by the bridge construction authority, has not been given to the Armenians but put in trust pending the presentation of title deeds to the properties. These title deeds, however, are being denied by other city authorities.

"The Armenians have 27 schools in Istanbul. By decree of the Education Department, non-Armenian sub-directors have been appointed and they in fact run the schools. Their task is to "turkify" the schools as soon as possible. There are endless regulations to prevent Armenian parents from sending their children to Armenian schools, such as the prohibition for Armenian children to be registered in a school if they do not live in the vicinity of that school. Of course, all these regulations are made for a second reason as well : government employees are severely underpaid and draw an extra income by not keeping the regulations. As a result, there is constant bargaining. Everything is possible if you are prepared to pay !

"Restrictions on church life are invented almost monthly. In 1970 a new regulation said that every person elected to the executive council of a church must be a resident of the immediate neighbourhood of that church. Thus some churches have serious problems in finding qualified people to serve on the council, because very few Armenians live in the vicinity.

"The over-all Central Executive Committee for the Armenian Community was totally abolished in 1960. The Religious Council of the Armenian Orthodox Church in Turkey was permitted to continue to function. Together with the present Armenian Patriarch, the Religious Council was elected in 1962. In 1976 the Patriarch applied to the authorities for permission to elect a new Religious Council according to the regulations of the church. Until now no permission has been received.

"A severe indirect attack on the church properties was the 'change of name' of the Turkish Department for Religious Affairs in 1965. Previously called 'Vakiflar', it became 'Yönetim Kurulu' - modern Turkish for Old Arabic. Years after this change the Armenians found out that the legal position of 'Yönetim Kurulu' differs from that of 'Vakiflar' in that the new department is only a management body without ownership rights. As a result the civil authorities now argue that clerical organisations no longer may possess or purchase properties. Neither can they obtain such properties as a gift or according to a will."

In 1942, the 'varlik vergisi' (tax on fortune) was imposed on Armenians, Jews and Greeks. On September 6th - 7th 1955, an anti-Greek program took place which resulted in the burning of 9 churches, the partial destruction of 35 other churches, the destruction of almost all shops and houses owned by Greeks and the murder of a monk.

The Syrian Orthodox are only newcomers to Istanbul. Their number rose from a few hundred to an estimated 17 000 in the last decade, so that they now form a significant segment of Istanbul's approximately 65 000 Christians.

The Syrian Orthodox who moved in envy the Armenians for what they have. They envy them because they notice that the Armenians, in spite of all the discrimination, have something which they have left behind in their mountainous homeland: the Armenians belong in Isanbul, just like the Greek and the Jewish communities belong here.

Contacts between these minorities are marginal, not only because every community has enough to do fighting for its own interests, but also because the Syrian Orthodox are de jure and de facto different from the others. In their over-crowded ghettos these impoverished peasant people, with their strange-sounding language, are really out of place. Depression and fear paralyse men and women, old and young. As long as they were still under their own roof there was a sense of security and belonging. Dignity could be kept up in the face of their attackers. Here in Istanbul, however, fear is the dominant feature. Gradually they learn that they are no longer part of the people of Tur Abdin, but have yet to realise that they are part of all the Christians in Turkey who were massacred and persecuted in the past.

The following cases give an idea of what is happening to Christians in Istanbul.

For those Christians who have left Eastern Turkey for Istanbul, this city means an escape from the Midyat conditions, but on the other hand it becomes increasingly characterised by the frustration of not finding a way out of Turkey. Istanbul instead of being the gate of freedom becomes a buffer zone, in which the danger of persecution is as real as in the homeland. If it were tribal pressure and rural-orientated persecution at home, in this city there is the addition of urban pressure on top of it. The pressure of the Kurdish feudal system appears to be exerted undiminishingly on the Christian communities. The Kurds have found them in Istanbul and have forced them to pay up on threat of assault, either directed to those who are in Istanbul, or to their relatives in Tur Abdin. (In Europe also extortion is sometimes practised against the Syrian Orthodox by the same Kurdish families).

Well-informed observers have already given many examples of atrocities of which Christians in Istanbul are the victims. These atrocities are part of the total problem of increasing violence in this big city. The Christians - especially those who are in a weak socio-economic situation due to their uprooting from their villages in the East and their great difficulties in adapting themselves to the ways of life in a metropolis are more vulnerable than other Turkish citizens.

First of all, they are members of Christian minorities who have had a long history of persecution in Turkey. Their prerogatives under the Lausanne Treaty are either not recognized or undermined. They are discriminated against, for instance, as to their eligibility for a career with the Government or in the Army. Their complaints to the police - if made at all, as in many cases there is fear of retaliation - often are not received. Sometimes, if the culprit is found and punished, he is released after a short period. Thus the opponents of the Christians become bolder and also stronger in number.

At the request of the Working Party, a team of researchers in Istanbul made an enquiry into the present-day situation of the Syrian Christians in Istanbul. Although also data were collected about the Armenians, this needs further elaboration before it can be presented in a report. As regards the data concerning the Syrian Orthodox minorities a general survey was made of their socio-economic situation. It has not been possible, however, to draw a complete picture of the acts of violence committed against them, mainly because they are living in different quarters far apart and group communication is less developed than in the Mardin-Midyat region.

Again names of victims and perpetrators have been omitted for reasons of safety, but for legal purposes the original files are available for confidential use only.

There are many reports of assaults and robbery by Kurds from Midyat. The early migrants who managed to start some kind of business in the city were the easiest targets. We mention the case of a jeweller whose shop in the Çemberlitaş quarter was looted in 1978, and who lost everything. He filed a complaint with the police, but to no avail. The previous year, another jeweller was robbed at gunpoint in his shop by Kurds who took away 2.2 kilograms of gold. He, too, filed a complaint with the police. Five months later having heard nothing he gave the police 50 000 Turkish Lire, and the gold was returned to him. In January 1979 this same man was robbed while transporting 5 kilograms of gold and cheques worth 2 million Turkish Lire from Izmir to Istanbul. The police caught the thief - but he spent only one day under arrest. According to the police the gold was not recovered. The jeweller again offered the police 50 000 Lire if they would help recover the gold. He was advised to make to further enquiries concerning the gold, and later discovered that the thieves had offered the police a better deal. He decided to emigrate.

Another Christian jeweller was attacked and shot in the leg during an attempted robbery in 1977. He knew the Kurdish attackers and asked the police to arrest them. After three months, during which he heard nothing, he paid the police 300 000 Turkish Lire. The men were indeed caught after they had carried out a number of other robberies, one of which took place in the jewellery shop owned by the man's brother-in-law in Pangalte. In this robbery the brother-in-law was killed.

Numerous cases of kidnapping occur. As most of the Syrian Orthodox Christians are poor, the young people, both male and female, play an important role as wage earners. Nearly every poor family in Istanbul is dependant upon their children and youth as wage earners. In 1975 the 16-year-old daughter of a Christian family was kidnapped in Sisli, an Istanbul district, where she worked as a servant. She has never been found. Another case is that of the kidnapping of a 16-year-old girl who disappeared in Tarlabashi another district of Istanbul. This took place in 1978 and nothing more has been heard of her. In most kidnapping cases, as with robbery cases, the attackers act openly and are recognised by the Christians who know them from Midyat. It should be mentioned that kidnapping is not altogether uncommon among related families in the feudal system, but in relations between Moslem and Christians it is a very serious crime.

In 1978 there was an attempt to kidnap a girl in Samatya, again a district in Istanbul. The Kurdish family who wanted the girl questioned the father, friends of the family and neighbours concerning her whereabouts. She was sent to Sweden, where she married. The Kurds learned that she was no longer in Turkey and tried to find out where she was. A work colleague of her father was repeatedly asked to give her address. When he refused he was killed and his body dumped in front of the gates of a hospital where the girl's father was employed. The woman now lives in Sweden - in fear of persecution.

The catalogue of violence in Istanbul is shorter than that of South-East Turkey. After all, there are no cattle to be stolen, nor are there any crops. But there are menaces of another nature. Firstly there are the organised gangs of militia of the National Action Party (NAP), the "Grey Wolves". This National Action Party, headed by Alpaslan Turkesh is often compared with Hitler's NSDAP. This para-military movement has scores of training camps all over the country since 1968. The ideology is fascist and tries to exploit Islamic fanaticism. A survey over the year 1978 shows that the strategy of killing of political enemies is becoming common. In 1978 the Grey Wolves carried out 3 319 registered attacks in Turkey, in which 813 persons were killed and 3121 wounded. (See Search Light.Britain's anti-fascist Journal - N° 47, 1979).

In the district of Fatih in Istanbul in 1975 there lived only one Christian family. On two consecutive nights the house was fired upon. No one was killed, but the family decided to leave. Fatih is controlled by the NAP. In another district, Kocamustafa Pasa, the Christians are continually terrorised by members of the Grey Wolves, and are obliged to donate money to the "commandos". They are frequently exposed to beatings.

The fact that members of the NAP appear to have infiltrated the ranks of the police and other offices is a serious threat to the Christians who file complaints because of crimes committed against them.

There is a case of a Christian whose only crime was that he had been friendly with a youth who had committed a theft in a Moslem jeweller's shop. The stolen gold was recovered and the thieves arrested. During his interrogation the Christian was asked where the gold was and how much he had received. He replied that the questions was irrelevant since the gold had been recovered. Being asked where he was born, he replied: "In Mardin". He was then asked if he were a Christian and he replied that he was. The secret police swore at him and kicked him. For five days he was kept in detention and repeatedly beaten on the soles of his feet with special wooden slats. He finally managed to get a message to his family in order to open negotiations for his release. Finally he was set free after the family had paid 50 000 Turkish Lire to the MIT. He had to be carried home.

In a number of cases the assaulters are not identified. A young man who had left his home town of Diyarbakir in South-East Turkey a number of years before was attacked in 1975 while visiting the home of his fiancée in Istanbul. A number of Moslems raided the house in the evening. They threw stones through the windows, forced an entrance and cursed the Christian religion. One of the young man's brothers slipped out through the back door to call the police. The police ignored the call. On making a second appeal to the police the attackers seized him and when the first brother attempted to rescue him one of his hands was injured by a stone, and he received a knife wound in the other. When he lodged a complaint with the police the following day he was beaten up by them.

The police do not always side with the assaulters. A Christian welfare worker who was repeatedly threatened applied for police protection. After three months he received it. Several policemen were put on guard in front of his home. The first night one of them was shot at and seriously injured and from then on the police refused to continue the protection.

From the abovementioned cases we conclude that the situation of the Christians in Istanbul is primarily characterised by insecurity. Their safety decreases along parallel lines with the weakening of their socio-economic situation given the fact that there exists overall discrimination of Christians in Turkey and in Istanbul in particular.

The geographical distribution of the Syrian Orthodox in Istanbul is a consequence of the situation of insecurity; so too are their conditions of housing. They live chiefly in three districts of the city : Taksim, Kumkapi and Samataya. In these over-crowded quarters they pay rents varying from 1 500 to 2 000 Turkish Lire per month (1978) for two rooms. The Christians fear exposure, so those who come to Istanbul moves into the sectors where Christians already live. This can be considered an oriental pattern as such, but the fact is that Christian families who lived in isolation in Moslem quarters have moved into the Christian sectors for fear of persecution, and in a number of cases in view of actual persecution. This they did in spite of the high cost of moving, the higher rents and the miserable living conditions in the Christian sectors. Rents are fixed by bargaining. There are no legal ways of protecting the Christian from rent exploitation. The landlords demand key money when a

newcomer applies for an apartment or part of an apartment. The amount of key money rose sharply in May 1979, indicating a wave of population pressure on the Christian districts. A figure of 25 000 Turkish Lira as key money is not exceptional.

A common procedure is that first one or two members of the family come to Istanbul and try to find a house and work before the whole family moves over from Tur Abdin. Usually they move in with relatives. Frequently the family in Tur Abdin sends over more and more members before the Istanbul members have settled in properly. Sometimes drastic events in the homeland force them to go. Between the villages and Istanbul, Midyat functions as a buffer. Many find a temporary shelter there. To save what can be saved from the properties in South East Turkey is often the reason behind the spreading of the family over Istanbul and the homeland.

Elderly people usually stay in the eastern region because they cannot bear to be uprooted. In fact, however, they are the family hostages. The aghas extort money from those in Istanbul and elsewhere in the world on the basis of threats to the safety of those who stay behind.

As Midyat functions as a buffer for family migration, so does Istanbul act as a buffer between Europe and the east of Turkey. Families in Istanbul have often many members abroad as migrant workers. Thus the inflow of money to the Christians in Istanbul comes from two directions : moderately from South Eastern Turkey, and strongly from Europe. It is difficult to evaluate the picture of income and expenditure of the Christian families in Istanbul. Our impression is that their main source of income is Europe, their second source what they still draw from properties in the east, and thirdly their income from work in the city itself. Yet despite reasonable levels of income from outside, this group is progressively impoverished.

Unemployment in Istanbul is very high. Christians have many problems in finding work. State and community civil service employment opportunities do not exist for them. Many do not speak fluent Turkish.

Christians are also discriminated on the private level as they have to identify themselves by their nufus (identity card). Many Christian employees have left Istanbul; Muslim employers apparently prefer Muslim employees.

Those who do find work are underpaid. A qualified carpenter earns a monthly income of 3 000 Turkish Lira (in 1978). Two thirds of such a salary must be spent on rent. The adult Christians who have jobs, however, are the exception. Of the 60 per cent of Syrian Orthodox who live below the acceptable minimum, it is mostly the youngsters who earn the money for the family. For them it is easier than for the older ones to find a job and to earn a small income. Young boys are apprenticed to goldsmiths for 300 Lira a week. Young girls work as servants for 250 Lira a week. An older, adolescent girl can earn 450 Lira as a seamstress.

Considering the 40 per cent of Syrian Orthodox who can make their living in Istanbul, the question arises whether these people are able and willing to organise help for the majority of poor people in their community. The picture is not encouraging.

The rich (at most 15 % can be considered wealthy) appear to be a closed group, and the clergy is among them. It has been reported that for the year 1978 the poor people in Taksim and Samatya contributed 720 000 Turkish Lira to cover the wages of six priests. The monthly income of a priest was 10 000 Lire. Indeed, the church is facing an enormous challenge to become instrumental for social change.

Considering housing, the four to six storey apartment houses shelter numbers of people far beyond their capacity. The congested rooms each house five to ten people, so that all available rooms are used as over-crowded bedrooms. The situation is shared by many others in Istanbul. In the daytime mattresses are piled up in one corner of the room. Sanitary facilities are abominable. Improvised kitchens on each landing contribute to the unbearable smell. Windows are broken or are missing, ceilings are in a bad state, and heating during the cold winters is provided by the heat of human bodies. Tables and chairs are rare, since there is no room. Outside dogs and cats compete for the scraps thrown into the cobbled streets. Fleas and lice are everywhere. Healthwise these people are in great danger. Symptoms of malnutrition are obvious among children. Skin diseases, running sores, are more the rule than the exception. The level of tuberculosis is serious, well above the 3 per cent which is the danger level for mass infection.

Provision for education is also miserable. The children and adolescents often carry the burden of the family's financial support and therefore have to sacrifice their education. Girls often are not sent to school, as the cost of their education is considered "wasted investment". She will never be able to make use of what she has learned, so why create unnecessary expense ! As a result the illiteracy rate among the Christians who moved to, and are stuck in, Istanbul is increasing sharply. Moreover there is the security problem for children on their way to, and at, school. Cases have been reported of the rape of girls under ten years of age. Still the bad effects of the ghetto life and persecution are less visible in Istanbul than in the rural areas of Tur Abdin. Who will notice the cases of violence committed against the Christian minority in a city of more than five million people ? News travels slowly in the over-crowded metropolis, not because the means of communication are lacking, but because people have become indifferent to the misery of their neighbour.

The persecution of the Syrian Orthodox in Istanbul takes place in the shadow of the daily cases of violence reported in the newspapers. Their fate in Istanbul is worse than it ever was in their homelands. They are outcasts.

In this chapter we shall deal with the protection granted to the Christian minorities in Turkey, both as groups and as individuals, under the international treaties which are in force at present and binding on the Turkish state.

1 The Treaty of Lausanne

The Treaty of Lausanne (24th July, 1923) contains nine articles on the protection of minorities in Para. III of Vol. I (arts. 37-45). Certain fundamental guarantees (the right to life, liberty and free practice of religion) apply to all inhabitants of Turkey (art. 38). Furthermore, art. 39 prohibits any form of discrimination against a Turkish citizen as far as civil and political rights are concerned.

Whereas the above articles apply to the individual and his legal position, other rights, in particular those guaranteed under art. 40 and art. 41 (the right to maintain one's own schools and churches and to receive state subvention for same) apply only to non-Moslem minorities of Turkish nationality. Hence these are collective rights granted to people belonging to the same ethnic group.

There can be no doubt that Para. III of Vol. I of the Lausanne Treaty has retained its validity until these days (1) and that the Christian communities in Turkey should be considered 'non-Moslem minorities' under the Treaty (2).

In the previous chapters a variety of acts perpetrated against Christian minorities in Turkey - either as groups or as individuals - are mentioned, and these should now be considered in the light of the obligations assumed by the Turkish government under section III of the Treaty of Lausanne.

(1) Cp. Peter H. Rohn, World Treaty Index N° 300701; See also S. Tchirkovitch, La règle de non-discrimination et la protection des minorités, in: Revue générale de Droit International Public 55, (1955), p.247, 256, and T. Modeen, The International Protection of National Minorities in Europe, Abo 1969, p. 72 and Note 19 (quoted by Chr. Tomuschat, Bonn, in an internal advice to the Working Party, april 1979).

(2) In all definitions of a minority, the common membership in a religious community is stated to be sufficient to constitute a minority status. The historical background of the Treaty of Lausanne makes also clear that in the first instance one was concerned with the protection of Christian communities. Furthermore it must be emphasized that most of the definitions seem to be based on the solidarity of a group of persons (Thus Tomuschat, Bonn, in an internal advice to the Working Party, April, 1979).

A. Protection of Life and Freedom

According to art. 38, para 1 of the Treaty, "the Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion".

In Chapter 4 of this report, we have indicated that the Christian minorities of South-Eastern and Eastern Turkey are suffering continuous acts of violence specifically directed against them by the local non-Christian population. These acts of violence apparently are committed in a quasi-organised and systematic way with the silent approval, or rather at the incentive of, the local feudal and religious leadership.

We have found numerous cases of assaults, kidnappings and attempted kidnappings, murders and attempted murders, endangering and violation of life and freedom of Christians. In Istanbul, similar cases have been found. (See Chapter 5 of this report).

The government of Turkey apparently does not take effective measures to suppress these activities and to punish the perpetrators. Moreover, there is evidence of armed retaliation against those filing complaints with the local police or gendarmerie which is not prevented by the local authorities. This is in flagrant contradiction with art. 40 of the Treaty which states that "all Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals".

B. Free Access to Employment

According to art. 39, para 3 of the Treaty, "Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries".

In the army, police, government agencies and other public functions, Christians cannot obtain anything but the lowest ranks, if they are accepted at all. Moreover, the obligation to indicate one's religion on one's 'nufus' (personal identity card) gives rise to countless acts of discrimination, e.g. refusal of Moslem employers to accept Christians employees. Examples are to be found in Chapter 5 of this report.

C. Freedom of Religion

According to art. 38, para. 2 of the Treaty, "all inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morale".

The freedom of professing the Christian religion by inhabitants of Turkey in their country is continually severely hindered both by Moslem inhabitants and by the Turkish government and its agencies. This is explained further below.

According to art. 40, "Turkish nationals belonging to non-Moslem minorities shall have an equal right (as other Turkish nationals) to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein".

Under art. 42, para 5 "the Turkish government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorisation will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are granted to other private institutions of that nature".

In Chapter 5 of this report we have given, as an example, the restrictions applied systematically by the Turkish government with regard to charitable, religious, social and educational institutions of the Armenian churches in Turkey. Similar restrictions apply to the Greek and Syrian churches. The Syrian churches, together with the Chaldean, Nestorian and other minor Christian churches, do not even have the right to use freely their own language and to profess freely their religion in their institutions +).

Art. 43, para 1 of the Treaty stipulates in its first part, that "Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances".

In Ch.4 & 5 of this report examples are given of abductions of Christian girls and women and their forced conversion to Islam, in violation of this article.

+)According to a domestic Turkish interpretation of Section III of the Lausanne Treaty, the concept of 'non-Moslem minorities' refers to three denominations alone, viz. Armenians, Greeks and Jews. Other denominations such as Syrian Orthodox, Syrian Catholics, Syrian Protestants, Chaldeans, Nestorians, Arab Orthodox and Arab Protestants, etc. are considered not to come under this concept. Moreover, evidence has been found that only those who are ethnically 'pure' Armenians, Greeks and Jews are considered to be entitled to protection under the Lausanne Treaty. This domestic interpretation of the concept of non-Moslem minorities is in overt contradiction of the universally accepted general interpretation of non-Moslem minorities which includes members of all Christian denominations, Jews and other believers. This interpretation does not relieve the Turkish government of its obligations under the Treaty vis-à-vis all non-Moslem minorities, be they recognised under Turkish national law or not.

D. Freedom of Education

Art. 41 of the Treaty reads as follows :

"As regards public instruction, the Turkish government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language."

In many cases we have noted that the Turkish government, in contravention of this provision, has not granted facilities which ensure that in primary schools the children of non-Moslem inhabitants are educated in their own language. These cases have been noted in Istanbul and in towns and villages in South Eastern and Eastern Turkey, where substantial numbers of such people - as required by this article - are living.

According to art. 41, para 2 of the Treaty, "in towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes".

We have noted that non-Moslem minorities are usually not granted an equitable share of the State, municipal and other budgets with regard to their educational, religious and charitable programmes. On the other hand, as is already stated above, the free use of language and the free profession of religion is not guaranteed in many educational institutions, monasteries, etc., maintained by Christian churches.

The above-mentioned violations of the various provisions of Section III of the Lausanne Treaty should be seen in the context of the over-all Turkish government policy of assimilating its minorities by restricting their religious, educational, linguistic and other rights. For instance, in July 1965 the Turkish government issued Law No 648 on Political Parties (Official Gazette, No. 12050, 16th July, 1965), and this law is still in force. The following is an extract (art. 89) of this law:

"Political Parties are not permitted to assert that in the territories of the Turkish Republic there exist minorities based on ethnic or political differences or on a difference of language.

"Political Parties are not permitted to favour the disruption of National Unity and the creation of minorities in the territories of the Turkish Republic through protection, development and dissemination of languages and culture other than the Turkish language and culture."

This government policy is further confirmed in a study on the rights of persons belonging to ethnic, religious and linguistic minorities prepared for the Commission on Human Rights (Subcommission on Prevention of Discrimination and Protection of Minorities) of the United Nations Economic and Social Council by Francesco Capotorti (E/CN 4/Sub 2/384, dated 3.6.1977). In this report it is stated (page 43) that the Turkish government, in view of promoting its policy of assimilation, has taken several measures such as the non-recognition of minority languages and the denial of their existence in government statistics.

This policy of the Turkish government is in flagrant contradiction with the spirit and contents of Section III of the Treaty of Lausanne 'concerning the protection of minorities'.

Conclusion

In art. 44, para 1 of the Treaty it is stipulated that 'Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations'.

According to para 2 of the same article, "Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances."

The Guarantee Powers of the Lausanne Treaty, i.e. Britain, France, Italy and Japan, should consider it their duty, in accordance with art. 44, para. 2 of the Treaty, to draw attention to the infractions which take place or might take place in regard to the provisions made in Section III of the Treaty. The Secretary General of the United Nations Organisation would be in the best position to receive the complaints. Appropriate measures should be taken to ensure the Christian minorities in Turkey the full protection of their rights.

2 European Convention on Human Rights

Turkey is a contracting party to the European Convention on Human Rights signed in Rome on 4th November, 1950. It should therefore observe the provisions made in this Convention. We shall now consider whether the problems of members of Christian minorities in Turkey are a result of violations of the stipulations of this Convention.

A. Protection of Life and Property

According to art. 2 of the Convention, "everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally....". In art. 1 of the First Additional Protocol of 20th March, 1952 to the Convention, endorsed to by the Turkish Government, it is furthermore stated that "all have the right to peaceful enjoyment of their possessions".

As we have seen above, individual members of Christian minorities in Turkey, especially those living in the towns and villages of South-Eastern Turkey, are continually the object of assaults, kidnappings and/or murder. Examples are given in Chapter 4 of this Report. Furthermore, the following acts would violate the rights to "peaceful enjoyment of one's possessions" :

- (attempted) armed robbery
- theft of animals
- destruction of fields, vineyards and crops
- theft of other property
- extortion

It should be repeated here that these acts of violence, which are specifically aimed at Christians, seem to be perpetrated in a quasi-organised and systematic way +).

The question of whether the Turkish government should be held directly responsible for perpetrating these acts against its Christian inhabitants need not be discussed here. It should suffice that the socio-political system prevailing in South-Eastern Turkey, as (see a explained in the report of M. v. Bruinessen, is such that the Turkish government, through its agents (burgomasters and minor officials) is involved in these practices.

In Istanbul assaults, kidnappings, murders, robberies, thefts and cases of extortion are not infrequent with regard to Moslem inhabitants as well. Christians, however, run a greater risk to become the victims of these acts than others. This is a consequence of the fact that they are discriminated against in legal practice which, in itself, constitutes a violation of art. 14 of the Convention (see below).

+) Under art. 2 as well as under art. 3 of the Convention the numerous cases of forced circumcision of Christians should also be considered. This act of violence, which is clearly a violation of the integrity of one's life, is frequently perpetrated in the towns and villages of South Eastern Turkey by Moslems. It is also regular practice in the Turkish army, where Christian recruits are subjected to this humiliating act as well as to many other vexations. It should be noted here that the government of Turkey is to be held directly responsible for such acts perpetrated through its agents (Moslem personnel) in the Army.

As has been noted before, the central government of Turkey apparently does not take effective measures to stop these activities against its Christian inhabitants nor does it punish the perpetrators adequately.+) Police and gendarmerie tend to turn a deaf ear to complaints made by Christians (see Chapter 4 and Chapter 5). Such complaints may even give rise to armed retaliation which is not prevented by the authorities. In Court, Christian cases usually are not dealt with correctly. Moslem offenders are often punished lightly or even released instantly. Very often they are set free long before their term in gaol ends.

In conclusion we would state here that this practice, according to common international law, constitutes a violation of the obligation of a state to protect the lives of its inhabitants and to guarantee the peaceful enjoyment of their possessions.

B. Freedom of Religion and Education

According to art. 9 of the European Convention, "everyone has the right to freedom of thought, conscience and religion ; this right includes freedom to manifest his religion or belief, in worship, teaching, practice and observance".

By explicitly mentioning teaching this provision should be considered applicable to religious schools, e.g. in Syrian Orthodox monasteries in Eastern Turkey as well as to Armenian and other Christian schools in Istanbul and elsewhere in Turkey where religious teaching is an essential part of the education programme. °) In the previous paragraph of this Chapter we have seen that it is official Turkish government policy to suppress educational facilities for its Christian minorities.

+) The question might arise as to whether a state in case of a general outbreak of violence among its citizens or of general lawlessness within its territory is still under the obligation to protect its inhabitants. According to common international law a state is not relieved from its duty to protect its citizens against violence, insecurity and lawlessness as long as it is able to impose peace and order on its territory. Moreover, art. 15 of the Convention gives a very limited possibility of derogation from this obligation, excluding art. 2 in particular.

°) It should be noted here that Turkey has not adhered to art. 2 of the First Additional Protocol to the Convention, dated 20th March, 1952, which provides parents with the right to have their children educated according to their own religious beliefs. This is a wider right than the right to religious teaching provided by art. 9 of the Convention itself.

Armenian schools are often not given permission to re-open their doors, their educational programmes are minimized or even suppressed. Sometimes children who are Armenian by birth are not admitted to these schools.

C. Freedom of Marriage

According to art. 12 of the Convention, "men and women of marriageable age have the right to marry and to found a family according to the national laws governing the exercise of this right". In line with the Universal Declaration of Human Rights of 1948 this right to marry should be considered as based on the "free and full consent of the intending spouses".

Practice in Eastern Turkey - and to-day often in Istanbul as well - is different. Frequently Christian women are abducted by Moslems who prefer to obtain marriage partners without the usual bridal gift. Forced conversion to Islam is a further consequence of this practice. This again constitutes a violation of the Convention inasmuch as the Turkish government apparently does not take effective measures to stop these practices which are specifically aimed at Christians and have a more than incidental character.

D. Right of Petition

Art. 13 of the European Convention reads as follows :

"Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

We have seen in the previous chapters of this report that this right often cannot be exercised to the effect that Christian inhabitants and communities in Turkey obtain satisfaction for the discriminatory acts committed against them either by other (Moslem) inhabitants or by the state and its agents. For instance as a result of the so-called domestic interpretation of the Treaty of Lausanne the Syrian churches are not in a position to submit a petition to the Turkish government. The Armenian churches, the Greeks and the Jews can petition the government, but as a result of the neglect of the authorities this is usually to no avail.

E. Right of Non-Discrimination

In art. 14 of the European Convention it is stated that "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status".

Unlike other inhabitants of Turkey the members of the Christian communities in Turkey do not receive adequate protection of their lives and possessions. Their freedom of religion and of education, their freedom of marriage, their right of petition, is often violated.

As explained previously, the acts of violence committed against them have a specific character in that these acts are aimed at Christians in particular. This specificity is further underlined by the proven fact that in legal practice Christians in Turkey have no equal rights before law courts and thus have insufficient means of defending themselves.

Conclusion

Turkey has not accepted the right of individuals to submit a complaint to the European Commission of Human Rights. Thus it is to the member States of the European Convention to decide whether they will take this matter up to the Commission. The problems of the Christian minorities in Turkey might also be discussed in the European Communities, Turkey being an associated EC member aspiring to full membership. The above-mentioned violations of the various provisions of the European Convention should then be considered in the light of the general human rights policy developed by the European Communities (cp. discussions on the Treaty of Lomé).

LOOKING INTO THE MIGRATION of minorities - and particularly of Christian minorities - from Turkey to other countries, the question of destination appears to be at least as important as the factors which forced them out. The migrants' destination can, to a large degree, satisfy their basic need for identity. This is the case for the Greek minority in Turkey. Since 1830 members of this minority have left for Greece, which is their homeland. This migration may still have caused a sense of uprooting, but this problem can be overcome by the basic fact that, after all, these migrants settle in the Greece of their ancestors, whose language they speak and whose culture they share. What is of particular interest to those who remained in Turkey is the knowledge that they would be welcome in Greece should they ever wish to go.

The Jewish community is in the same position since the founding of the state of Israel in 1948. Perhaps the most positive effect of the founding of Israel is the change of status it automatically meant for Jewish communities all over the world.

The Armenians are in a different position. There is no independent Armenian state in the world. All the Armenians "have" is Soviet Armenia, and although this state enjoys a degree of autonomy within the USSR known to no other Soviet republic, the Armenians have no more than a faint shadow of what they had in their glorious past.

Those who have suffered persecution and survived carry the burden of a trauma. It has been observed that the blow of the destruction of their existence in their homeland can make people incapable of leading normal lives. For the third generation the trauma of the genocide is too remote. The younger generation has to incorporate the after-effects in a new destiny, living as a minority in a new country. This is a challenge not always responded to in a positive way.

The presence of about 6,000 people in Britain, Armenians, Nestorians and a few Syrian Orthodox, who originated in Turkey and other Middle Eastern regions, is partly due to the fact that members of these minorities once served with the British armies or had allied themselves militarily with Britain. The identity, c.q. destination, problem of these people is that they found themselves alienated from their homeland by siding with the power which, after the First World War, showed itself to be a colonial power rather than the liberating one it had pretended to be. Britain at least honoured her obligation to this group by taking them into the United Kingdom. It must be stressed, however, that the question of taking in Turkish Christians is of a completely different nature.

Of a different nature also are the identity problems of the migrating Syrian Orthodox from Turkey, the number of whom in Europe already amounts to approximately 25 000. First of all the Syrian Orthodox are distinguished from minorities like the Armenians by the fact that never in their history they had any other political entity than that of being a minority in an Islamic state. Accordingly, in the Turkish domestic interpretation of the Treaty of Lausanne they are not considered to come under the protected "non Moslim minorities". Hence, they have no special status in Turkey. Secondly, their migration began in the 1960's, when economic migration was the current fascination for Turkish citizens.

Because of the fact that, with the passing years, oppression in Tur Abdin took the form of persecution, Christians taking jobs in the European industrial countries had, besides the economic motive, another and generally stronger motive to go to Europe, namely to escape from this persecution.

They came to realise, however, that things worked out differently from their expectations. The most painful experience was to discover that, by moving to another country, there was no automatic escape from persecution. The buffer-migration system (villages-Midyat-Istanbul-Europe) which developed, created such distribution of family members that those of them who remained in Turkey became more and more vulnerable, and extortion by the aghas now took place on an international scale.

Nor was their lot in Europe always easy. For the host countries they were simply Turks and had to share the common facilities (if any) for Turkish workers, without any recognition of their own language, culture and identity. Their Moslem countrymen often did recognise them as different, which occasionally gave rise to conflicts, particularly when the Christians sometimes succeeded in obtaining higher positions. Thus they continued to bear the burden of being members of a persecuted minority group, of which the ultimate destiny is at stake.

Circumstances were aggravated by the fact that in Europe in the 1970s the energy crisis and the economic depression stopped further extension of work possibilities for migrant workers. No wonder that these Christians since then have been seeking other means of admission to those countries in which several thousands of their fellow Christians had previously settled. Since 1975, Turkish Christians are making their appearance in Europe as asylum seekers. The coincidence of this with the cutting back on migrant workers does not work in their favour. Lack of understanding of the applicants' backgrounds has led European authorities to jump to the easy conclusion that they are simply playing a new trick to get in, now that the other roads were closed. The ultimate motive was assumed to be of an economic nature.

Two other factors no doubt contributed to a generally negative attitude : firstly, there is the political implication of offending a vital NATO partner by accepting its citizens as refugees in Europe. Secondly there is the fear of stimulating mass immigration, especially because exit from Turkey is not hampered in any way by the Turkish authorities and the journey is relatively cheap. It is likely that the fear of setting precedents is not only related to the fact that a significant part of the roughly 100,000 Christians in Turkey is eager to leave the country. Also the consideration that far bigger numbers of Christians in a threatened position in other countries in the Middle East and elsewhere might follow may play a role. Churches and other advocates for the Turkish Christians in countries of immigration have not accepted that such pragmatic considerations influence decisions on asylum requests. They continually point out that such requests have a serious basis, namely persecution, and that the victims should therefore receive the protection to which they are entitled by international and national law. In the following, the situation in a number of European countries will be discussed, and relevant numerical data given.

SWEDEN

Sweden was not affected by the large numbers of Turkish citizens seeking and obtaining employment in Europe during the sixties. There are only approximately 15 000 Turkish citizens residing in Sweden. Of these, nearly 6 000 are Turkish Christians.

At the initiative of the World Council of Churches, Sweden invited in 1967, 200 Christians of Turkish origin residing in Beirut to be resettled in Sweden. The invitation of a number of smaller groups, together with the spontaneous immigration of relatives, resulted in there being in Sweden about 800 so called Assyrians. The term "Assyrians" is used in Sweden to denote the group of Christians originating from Turkey and other middle east countries, which belong partly to the communities of the Assyrians (or rather Nestorians) and partly to the Syrians (see table chapter 1). The greater part, however, are Syrians belonging to the Syrian Orthodox Church.

Starting in late 1974 Sweden began to experience an increased number of asylum applications from Christian Turkish citizens who had valid residence and work permits in the Federal Republic of Germany.

Maintaining that an eventual return to Turkey would expose them to persecution they sought asylum in Sweden. Other, coming in directly from Turkey, followed.

In February 1976, the Swedish Government decided to grant residence and work permits to those Christian Turkish citizens living in Sweden on 26th February 1976. An explicit statement was issued by the Swedish Government which stated that the Government did not consider Christian Turkish citizens to be political refugees.

As a result of the Government's decision roughly 1 500 Christians were admitted directly, with another 1 000 people, their close relatives being allowed to join them.

At the same time, 26th February 1976, the Swedish Government made it clear, that it was unwilling to continue absorbing Turkish Christians by the thousands. In order to exert control over the situation, Sweden unilaterally declared that Turkish citizens are required to obtain entrance visas prior to entering Sweden.

In spite of the visa requirement, the invasion of Christian Turkish citizens, now coming increasingly directly from Turkey, continued. In November 1976, the Swedish Government made another "group decision" which allowed roughly 1 200 Christian Turkish citizens who entered Sweden after 26th February 1976 and before 13th November 1976 to stay in Sweden. The Swedish Government's November decision also contained provisions for the creation of special border controllers at ports-of-entry in Western and Southern Sweden. The Government reaffirmed its position that Christians from Turkey were not considered to be "political refugees" and, in consequence of this, declares that Sweden would in the future apply more restrictive criteria in evaluating the asylum applications of Christian Turkish citizens. The Government also declared that refoulment to Turkey would be executed if necessary.

Since November 1976 the immigration from Turkey of Christians has continued. The control mechanisms have not been as successful as was anticipated. Large numbers of Christians have gone underground either to evade refoulment to Turkey or without initiating asylum proceedings. A number of those refouled back to Turkey have re-entered Sweden and live illegally.

In June of 1979 the Swedish Government, although still maintaining its position with regard to Christians from Turkey, as a group, not being political refugees, decided to create a special quota for relatives of Christian Turkish citizens residing in Sweden. For fiscal year 1979/80, 300 individuals would be allowed to join relatives in Sweden. They are required to make application through the Swedish representation in Turkey. The Government also declared that it would apply a more liberal interpretation of the Foreigners Law for those persons having entered, and living illegally in Sweden. Some 300 persons ended their clandestine residence and made application to the authorities during June 1979.

Finally a few remarks on legal aspects: Sweden is a party to the United Nations Agreement on the Legal Status of Refugees on July 28, 1951 (the Convention on Refugees) and the protocol of 1967.

The National Immigration and Naturalisation Board (S.I.V.) is the competent authority for asylum and eligibility. Normally refugees are granted residence in Sweden without having their refugee status determined, being considered as immigrants with permission to stay "for special reasons". Only by applying for a travel document in accordance the Geneva Convention, can a refugee obtain a refugee declaration.

In case of a negative decision by S.I.V. an appeal can be addressed to the Government. Legal assistance is provided at the State's expense for those running the risk of refoulment. Refoulment is executed after the appeal to the government is denied.

Prior to June 1979, a special feature of the situation in Sweden was that Sweden was a party to the Nordic Passport and Customs Convention, together with Denmark, Finland, Iceland and Norway. This means that a refugee, who has entered illegally another Nordic country, may be sent back to the country through which he/she first entered the passport-area, as he/she is required to make application for asylum in that country. This rule has been applied on several occasions, and in Norway resulted in the granting of residence permits for roughly 50 Christians from Turkey. In the other Nordic countries most, if not all Christian Turkish citizens were refouled to Turkey. Now the Nordic countries have reinstated visa and passport controls at the border, specifically to exert control over the continuing immigration of Turkish Christians.

There are roughly 8 000 to 10 000 Christians of Turkish origin living in Sweden at this time. Approximately 6 000 of them are Turkish citizens. The others mainly come from Lebanon, Iraq and Syria.

FEDERAL REPUBLIC OF GERMANY

From the beginning, the Federal Republic of Germany regarded the problem in a completely different light than Sweden. More than one million Turkish citizens had come to Germany since the 1960s, primarily for economic reasons, as migrant workers. Among them there were also Christians from Turkey. The fact that these Christians had motives other than economic ones for their migration was known to only a few. It is estimated that at present approximately 15 000 Christians from Turkey are living in the Federal Republic. About 5 000 of them are Armenians who came in as migrant workers during the 1960s, or who were there prior to that time. The group of about 9 000 Syrian Orthodox belong, for the greater part, to the migrant workers and their families. Many of the latter have come in since 1971, under the schemes for family reunion. There are also some 500 Protestant Syrians, and 500 members of Arab Orthodox churches.

When the admission of migrant workers stopped in 1973, Turkish Christians coming from Turkey began to make requests for asylum in the Federal Republic. Estimates of the total number of these asylum seekers vary widely. Figures of between 1 500 and 2 000 are cited. Of these, 75 per cent are assumed to be Syrian Orthodox, and 25 per cent Armenian. These figures do not seem exaggerated, if we take into account that during 1978 alone more than 7 400 asylum requests were made by Turkish citizens.

Unfortunately, no statistics are available specifying the nature of these requests (left and right wing political refugees Kurds, Moslem sects, Christians, Yezidis), but it is quite likely that a significant percentage of Christians is among them.

The outcome of the asylum requests of Turkish Christian citizens has been negative. So far, no one has been definitely granted asylum by the Federal Republic authorities. In the few cases in which the Federal Agency for the Recognition of Foreign Refugees (Bundesamt für die Anerkennung Ausländischer Flüchtlinge) did declare asylum seekers eligible for refugee status, the government, through a Federal Commissioner for Asylum Affairs (Bundesbeauftragter für die Anerkennung Ausländischer Flüchtlinge), appealed against the decisions.

It may be concluded that there is a remarkable contradiction between the fact that Germany, party to the 1951 Convention and the 1967 Protocol, has a uniquely liberal asylum legislation (with subjective right to receive asylum), but a very narrow interpretation. The above -mentioned pragmatic considerations may weigh heavily on the German decision-makers, because Germany seems to be worried about the increasing number of asylum seekers from the Third World. As a result, Christian asylum seekers from Turkey so far have failed to satisfy the requirement that they should prove persecution by the Turkish government which is endangering them personally. It should be mentioned that according to existing laws any hardship which can be interpreted as belonging to the fate of a discriminated group or which would fall into the category of (civil) war and crisis area phenomena are not relevant for the obtainment of asylum in the Federal Republic.

Since there are several appeal possibilities, most of the asylum requests have not reached the final decision stage. The process may take many years. It is not known how many (potential) asylum seekers have been sent back directly at the frontier by border police. Neither do we know how many have been stranded half-way, and have either left on their own account or have been expelled. Many of those have gone to Sweden ; some moved to the Netherlands or other countries. Since no B-status (the status of those whom countries like Sweden and the Netherlands allow to remain without recognising their refugee status) is known in Germany, asylum decisions are a matter of "yes" or "no". In practice, however, the intermediate state of being "tolerated" (Duldung) in the pre-asylum period is sometimes prolonged almost indefinitely. This is a de facto B-status, unfortunately associated with permanent insecurity and anxiety.

Facilities for the reception and social or legal assistance to asylum seekers vary in the different states of the Federal Republic. No where are provisions adequate. In most cases they have to subsist as an under-privileged sub-class of the settled migrant workers. There is little understanding for the fact that the Christians from Turkey have their own language

and culture. The attitude of the German authorities sometimes resembles that of the Turkish authorities: these people do not officially exist, so they are simply Turks. Why then give them a special interpreter? Let them speak Turkish!

The Roman Catholic Church and the Evangelical Church in Germany cooperate in the Federal Republic on the level of parish, "Landes" church, diocese and central office and try to assist the people concerned, as well as to draw the attention of the political organisations to the need for help.

Numerically Germany has more Turkish migrant workers than all other European countries together. The number of Christians among them is at least as big as the number of Christians from Turkey in other parts of Europe altogether. For this reason, Germany plays an important role in decision-making on the issue of dealing with the problems of Christians from Turkey in Europe.

THE NETHERLANDS

The Armenian community in the Netherlands -- a few thousand persons -- belongs for the greater part to the older settlement, whereas the Syrians almost exclusively started to come in since the 1960s, as in the Federal Republic of Germany. By 1975 their number had reached approximately 150, most of these migrant workers and their families (about 30) belonged to the Syrian Orthodox Church. The first Syrian Orthodox asylum seekers appeared in 1975; their numbers rapidly increased in 1976. From August 1976 on, Armenians from Turkey also came seeking asylum. After long and persistent pleading by churches, political parties and refugee organisations, the Dutch government was persuaded to accept groups of these refugees. The decisions taken in July 1976 and February 1977 resulted in collective admission of all asylum seekers of the Syrian Orthodox and Armenian minority groups from Turkey who were present in the Netherlands at a given date. The measure included the family members who were entitled to join them. For the greater part they actually came over from Turkey. About 600 persons were admitted in this way, approximately 80 per cent Syrian Orthodox and 20 per cent Armenians (disregarding very small numbers of Catholics and other Christians who were also accepted). On both occasions the admission was announced as a gesture of goodwill based on humanitarian considerations alone, which placed no obligation on the country.

In the opinion of the government, persecution was not proved, and if it existed at all, it did not originate from the state and was local in character. Istanbul and other regions were considered to be places of safe refuge within Turkey. As a consequence, only B-status residence permits were issued. This permit gives a status which is more favourable than that of an ordinary alien, but with fewer rights than the A-status.

After March 1, 1977, the government at first showed total unwillingness to accept any more Turkish Christians. Decisions were slow in coming, however, and expulsion orders were suspended by revision procedures. As a consequence only a few expulsions took place prior to June 1978. The government then announced a revised policy: admission of Christian asylum seekers would be possible again and that was an improvement! but only in cases of personal suffering of a particularly painful nature. It took several months before decisions were taken using this new criterium. Then it became apparent that a very restrictive admission policy was implied. Protests were now raised from various sides, arguing that this new criterium is even more severe than that set out in the international agreements (1951 Convention and 1967 Protocol) for obtaining A-status. Nevertheless, the Dutch government maintained this illogical position up to the time this report is written (June 1979).

In the meantime, hundreds of new asylum seekers had come to the Netherlands, probably misled by a wrong interpretation of the ambiguous government statement of June 1978. In May 1979 the picture was as follows : of 700 asylum seekers (55 per cent Syrian Orthodox and 45 per cent Armenian) who came in after March 1, 1977, approximately 100 had been admitted, 450 rejected, and 150 still waiting a decision. Around two-thirds of the rejected group still had a possibility of awaiting the outcome of an appeal against the first rejection. To others the privilege of awaiting the outcome of the appeal in the Netherlands had not been granted. They were expelled, unless this was prevented by court order, which was sometimes the case. In an increasing number of cases, a second and final appeal had been made to the State Council (Raad van State). So far this Council has more or less supported the government policy in denying the asylum seekers refugee status. It is expected that increasing evidence of persecution, not only in South-East Turkey but firstly in Istanbul, will in due course effect a change in the position. In June 1979 the State Council already condemned the special criteria introduced by the government for B-status of Turkish Christians.

Refugee-work organisations, which involve hundreds of volunteers, working in co-operation with professionals, are responsible for reception of, and aid to, the group. As a matter of fact, the reception of these "spontaneous asylum seekers" results in much greater difficulties than that of invited refugees. The coming of hundreds of Turkish Christians caused severe problems and the refugee-work organisations had a hard time bearing up against the situation: facilities and manpower were lacking to deal adequately with the flow.

A new development occurred with the occupation of St. John's Cathedral in 's Hertogenbosch by a number of Syrian Orthodox asylum seekers who were about to be expelled, together with other members of the group participating in solidarity. Since April 1979 to July 1979, a group of 200 people was maintaining a sit-in in the cathedral.

Mass media and public opinion together with parliamentary enquiry were beginning to make their impact on official decision-making. In July the cathedral was left by the occupants who had been promised a revision of their cases in the light of the new developments in Turkey.

FRANCE

This country has a sizeable 'old community' of Armenians, estimated at around 200 000. There is an Assyrian community of about 500 families who had settled in France already before 1960. They are mainly of Iraqi origin. In the last few years some Turkish Christians have found their way to France, some directly, others after failing to obtain refuge in other countries. No figures about this movement have so far become available, and it is not known how many asylum requests have been made and with what results.

UNITED KINGDOM

As mentioned before, there is, in this country, an "old community" of Armenians and Nestorians. There are no indications that significant numbers of Turkish Christians have found their way to the United Kingdom in recent years.

AUSTRIA

At present in Austria there are an estimated 2,000 Christians from Turkey. Approximately 800 belong to the older Armenian community. Some came in as migrant workers in the 1960s. As a result of very good relations between the Syrian Orthodox Church and the Roman Catholic Church, and a benevolent attitude on the part of the Austrian authorities, the Syrian Orthodox community, which comprised only 20 families prior to 1974, could increase since then by approximately 800 persons. Six hundred of these, chiefly coming from Turkey, received labour permits; 200 others, from Turkey, Syria and Lebanon, made an asylum request. In 70 cases refugee status has so far been granted. The other cases are pending.

BELGIUM

Here there is an "old community" of about 2 000 Armenians. Approximately 50 Syrian Orthodox migrant workers from Turkey have come in since 1960. In the last few years Armenian and Syrian Orthodox asylum seekers

from Turkey arrived gradually and now number some 150 persons (roughly 50/50 Armenians, Syrian Orthodox). By now 45 persons (25 units) have been admitted as refugees. It is of particular interest to note that in Belgium the determination of eligibility has been delegated to the UNHCR representative.

SWITZERLAND

Switzerland has an "old community" of Armenians the size of which is unknown. Since the sixties considerable numbers of migrant workers have come to that country, among them about 2,000 belonging to the Syrian Orthodox community. Only a few dozen Turkish Christian asylum seekers have found their way to Switzerland since 1973. Asylum has only been granted in a few cases.

NORWAY

This country has taken in some Syrian Orthodox who were sent back from Sweden. Some of them were expelled, some remained. Approximately 50 were granted residence permit. It seems that the number of Turkish Christian refugees, c.q. asylum seekers, coming directly to Norway is small.

OVERSEAS COUNTRIES

Previously these countries took in considerable numbers of Christian refugees. The Armenian communities in the USA and Canada are sizeable (estimates vary from 200,000 to 450,000). Smaller numbers are to be found in South America and Australia. Of the Syrian Christians, there is a community of about 150,000 in the USA and Canada (by far the majority in the USA). They belong to various churches and are also from different geographical origins (Iraq, Iran; Turkey, Lebanon). In South America only a few thousand Syrian Christians are living, mainly in Brazil.

The colony in Australia is predominantly Nestorian and consists of approximately 7,000 families.

Sponsoring emigration is one of the possible ways in which these communities abroad could develop means of saving the victims of persecution in Turkey.

On the level of organisation and fund-raising, refugee organisations in various countries try to be helpful. It should be stressed, however, that emergency actions, though indispensable, are not the only thing which must be done. The persecuted Christians should also be saved from an ill-chosen destination, which could become a fatal destiny.

CHAPTER 8 : THE GENEVA CONVENTION

IN THIS CHAPTER we shall deal with the question of whether Christians who flee from Turkey and seek asylum in other countries might be considered refugees according to the Convention relating to the Status of Refugees of 1951 (Geneva Convention) and the Protocol relating to the Status of Refugees of 1967 (Protocol of New York).

According to art. 1.A., para 2 of the Convention, as amended by the Protocol of New York, the term "refugee" shall apply to any person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country ;"

A. Well-founded Fear of Persecution

According to art. 1.A., para 2 of the Geneva Convention well-founded fear of persecution is the essential requirement for refugee status. In order to develop this argument further we may refer to the Draft Handbook on Procedures and Criteria for Determining Refugee Status, issued by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Geneva in September 1978 +) This Draft Handbook gives considered views on the subjective character of fear and on the objective elements which constitute well-founded fear as it is to be understood in the Convention.

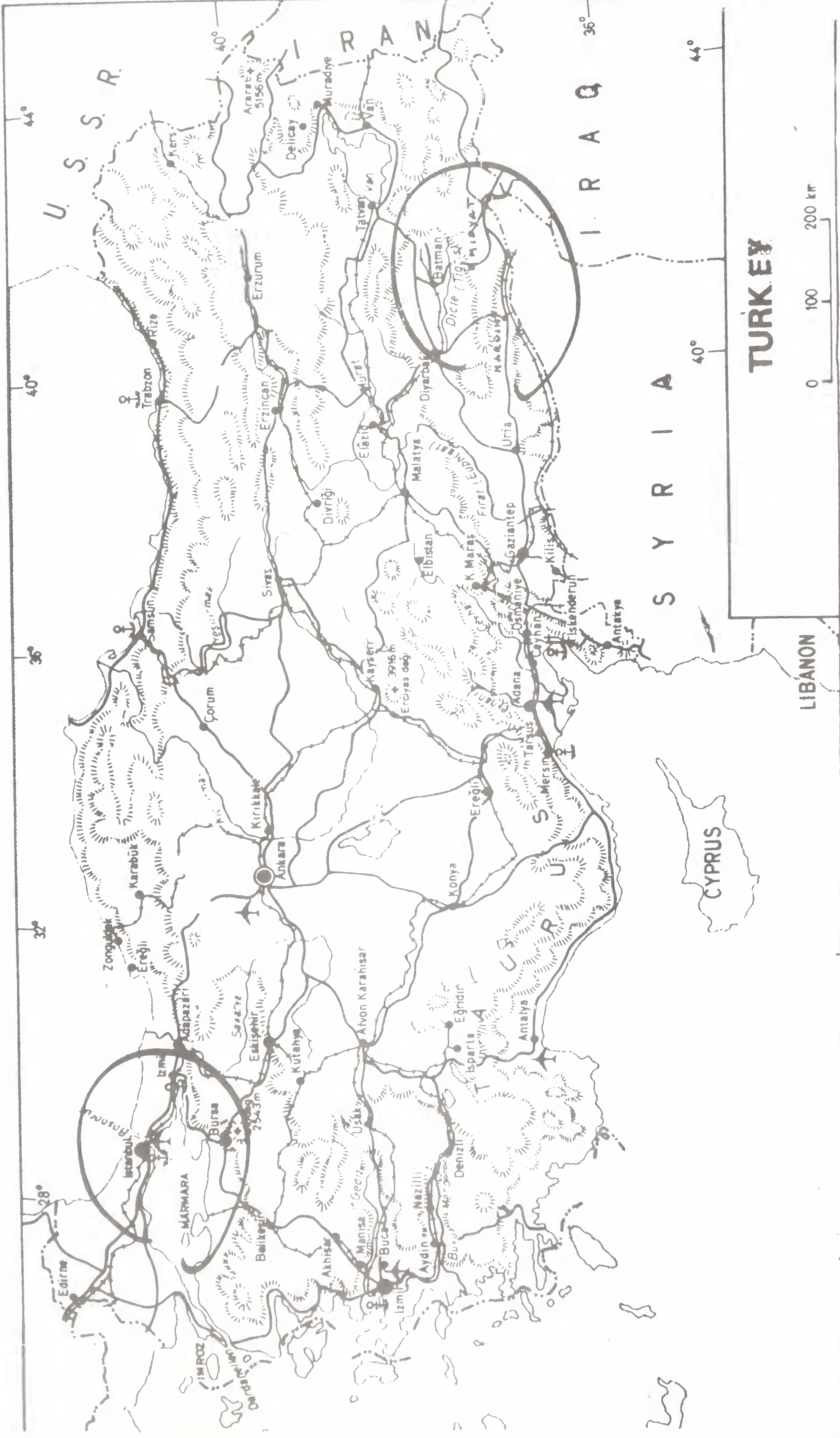
In para. 37 of the Draft Handbook it is stated :

"Since fear is subjective, the definition involves a subjective element in the person applying for recognition as a refugee. Determination of refugee status will therefore primarily require an evaluation of the applicant's statements rather than a judgement on the situation prevailing in his country of origin."

This argument is continued in paras. 40 and 41 of the Draft Handbook where it is stated (partial quotation) :

"An evaluation of the subjective element is inseparable from an assessment of the personality of the applicant, since psychological reactions of different individuals may not be the same in identical conditions"

+)Draft Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. HCR/120/33/78, GE 78 - 9904



"It will be necessary to take into account the personal and family background of the applicant, his membership of a particular racial, religious, national, social or political group, his own interpretation of his situation, and his personal experiences - in other words, everything that may serve to indicate that the predominant motive for his application is fear Fear must be reasonable. Exaggerated fear, however, may be well-founded if, in all the circumstances of the case, such a state of mind can be regarded as justified."

In considering these paragraphs of the Draft Handbook, we should recall both the traumatic effects of earlier systematic persecutions of Christians in Turkey - especially the Armenian genocide in the first decades of this century - and the strong relation between individual members of a family and of a clan or village (see below under E). The state of mind of many Christians in Turkey - regardless of whether they are still living in South East Turkey or have fled to Istanbul - should be understood as determined by these factors.

This subjective approach is to be supplemented by a careful consideration of objective elements which constitute well-founded fear, cp para. 38 of the Draft Handbook :

"....it is not only the frame of mind of the person concerned that determines his refugee status, but that this frame of mind must be supported by an objective situation."

This argument is followed up in paras 42 and 43 (partial quotation) :

"The applicant's statements cannot, however, be considered in the abstract, and must be viewed in the context of the relevant background situation. A knowledge of conditions in the applicant's country of origin - while not a primary objective - is an important element in assessing the applicant's credibility. In general, the applicant's fear should be considered well-founded if he can establish to a reasonable degree, that his continued stay in his country of origin has become intolerable to him for the reasons stated in the definition, or would for the same reasons be intolerable if he returned there.

"These conditions need not necessarily be based on the applicant's own personal experience. What, for example, happened to his friends and relatives and other members of the same racial or social group may well show that his fear that sooner or later he also will become a victim of persecution is well-founded. The laws of the country of origin, and particularly the manner in which they are applied, will be relevant. The situation of each person must, however, be assessed on its own merits."

Below we shall go into an evaluation of the problem of members of Christian minorities in Turkey. Here we only wish to stress that these problems do not have an incidental character. The atrocities committed against Christians in Turkey (see Chapters 4 and 5 of this report) have a long past and cover a wide geographical area ranging from Eastern Turkey to Istanbul. These atrocities are a potential threat, albeit of varying intensity, to all Christians in Turkey who, as members of insufficiently protected minorities (see Chapter 6), cannot well defend themselves against it. Moreover, the Turkish government is continually applying restrictive measures with regard to their religious, educational and other rights, apparently as a consequence of its assimilation (Turkification) policy (see Chapters 5 and 6). This leaves the Christians in a state of insecurity. As we shall see, however, local conditions and family resources are variables which have an effect on the degree of insecurity.

Lastly we would stress that, according to normal legal practice and to the Draft Handbook, it may be assumed that a person has well-founded fear of being persecuted if he has already been the victim of persecution for one of the reasons enumerated in the 1951 Convention. Nowhere in the Convention is it stated, however, that an applicant cannot be recognised as a refugee without having given evidence of persecution, i.e. of sufferings inflicted on him on account of his religion, etc. The Draft Handbook gives a clear statement in this respect in the last sentence of para. 45 :

"However, the word 'fear' refers not only to persons who have actually been persecuted, but also to those who wish to avoid a situation entailing the risk of persecution."

Thus the essential point is rather that the person, were he to return to his country of origin, would probably find himself in the same situation as, or even worse than, he had escaped from.

Asylum seekers who are sent back to Turkey run the risk of being prosecuted by the Turkish authorities under art 140 of the Turkish Penal code, which states that incriminations against the State of Turkey can be punished by a minimum of 5 years imprisonment.

B. Other Flight Motivations

Christians who are fleeing from Turkey give a variety of motives for their flight. Some of them would say that they have been victims of direct and overt violence, have been threatened, robbed, have had their children kidnapped, circumcised. Others would not claim to have endured this, but try to make it understood that they acted out of fear of persecution.

Many Christians will, at the same time, have other motivations for leaving their country, personal ones - for instance to join their family members and villagers abroad ; and economic ones - the desire to bring their money to safety and/or to start an economically better life in another country.

It should be noted that these motivations are generally of a secondary nature, i.e. their prime motive would be their fear of persecution, whereas their wish to join their family members who had left the village at an earlier stage is a further supportive motive. It is a strong one for those for whom life is essentially life with one's family, life with the village clan. In considering whether a person seeking asylum is a migrant or a refugee, this fundamental social and cultural aspect should be fully taken into account. Another noteworthy point is that not every Christian would be able to express verbally his feelings concerning the reasons for fleeing his country and to explain that he lived in a situation of over-all persecution, of pressure and fear.

Some would simply state that they had good reasons to leave their country and it would easily appear that this reason was primarily of an economic nature. One should therefore first look into the background and consider what is really going on in the village and in the town or in the quarter of Istanbul in which the victims live. One should keep in mind that economic migration and escape from persecution are not always easily distinguished, also for other reasons. As is stated in the Draft Handbook, para. 62:

"The distinction between an economic migrant and a refugee is, however, sometimes blurred in the same way as the distinction between economic and political measures in an applicant's country of origin is not always clear. Behind economic measures affecting a person's livelihood there may be racial, religious or political aims or intentions directed against a particular group."

In the case of the Christians in South-Eastern Turkey we have already observed that the pressure exerted on them in many cases results in the decision to give up their properties and to leave the village. Until some five or ten years ago this meant that they sold their properties either to other Christians or to muslim landlords, and with the money in cash or in the bank they travelled to Western Europe, America or elsewhere. To-day their position in the region is such that by selling up they obtain, at best, token prices. In fact, they have to give up not only their way of life but their capital as well. In such cases it would seem ridiculous to consider their flight to be motivated by economic reasons.

Another point should be considered here. Those Christians who have decided to flee apparently have no problems in obtaining permission to leave the country. They can, as a rule, easily obtain a valid passport and, provided they fulfil the normal financial requirements for a tourist trip abroad, can travel by train, air, bus, or by car wherever they wish. It should be pointed out that this does not invalidate the reasons they have for leaving their country. This is also stated in the Draft Handbook :

"Possession of a passport cannot therefore always be considered as evidence of loyalty on the part of the holder, or as an indication of the absence of fear. A passport may even be issued to a person who is undesired in his country of origin, with the sole purpose of securing his departure, and there may also be cases where a passport has been obtained surreptitiously. In conclusion, the possession of a valid national passport as such is therefore no bar to refugee status."

We know of many cases in which a Christian has had to buy a Turkish passport "at a special price", as it could not be obtained quickly otherwise. Then there are also cases of "co-operating agents" who render assistance to those desiring to flee and who are in a position to channel these people through to a given destination. Yet it cannot be stated that these activities should invalidate the original flight motivation. Very often the refugees are disorientated, have no idea how to get out of their problems and do not know how to reach safety. They depend on the "good advice" and "well-meant support" of those who have experience in dealing with these matters - and often also know how to gain money out of it.

C. Agents of Persecution

Before dealing with the different aspects of persecution itself we wish to discuss the question of whether the atrocities committed against Christians by the local populace, both in South Eastern Turkey and in Istanbul would constitute persecution as this word is to be understood in the Geneva Convention. This question has been raised on many occasions and should therefore be properly answered.

In the Draft Handbook it is stated in para. 64 :

"Persecution is normally related to action by the authorities of a country. It may also emanate from sections of the population that do not respect the standards established by the laws of the country concerned. A case in point may be religious intolerance, amounting to persecution, in a country otherwise secular, but where sizeable fractions of the population do not

respect the religious beliefs of their neighbours. Where serious discriminatory or other offensive acts are committed by the local populace, they can be considered as persecution if they are knowingly tolerated by the authorities, or if the authorities refuse, or prove unable, to offer effective protection."

This view is upheld by most authors of refugee handbooks, of whom Grahl-Madsen stands out as the best-known expert. He states :

"There is actually valid reasons for contending that even if a government has the best of wills to prevent atrocities on the part of the public (or certain elements of the population), but for some reason or other is unable to do this, so that the threatened persons must leave the country in order to escape injury, such persons shall be considered true refugees." +)

We have seen in the preceding chapters of this report that the question of whether the Christians are being persecuted in South Eastern Turkey by the Turkish government remains open, as the agents are part of a complex network in which both local feudal landlords and government-appointed officials play their role. There is no doubt, however, that the offensive acts committed by the local populace are knowingly tolerated by the authorities, or at least, that these authorities do not offer the Christian inhabitants effective protection. This point has been elaborated in detail in Chapter 6 of this report.

Moreover, there is no need for the person who claims to be victim of persecution to substantiate his "well-founded fear of persecution" by indicating who are the alleged agents of this persecution and by explaining the motives of the behaviour against him. It would suffice that there are good reasons for him to fear such atrocities which constitute persecution as this word is understood in the Convention.

D. Persecution

Now we have to consider whether the acts perpetrated against Christians in Turkey constitute "persecution" in the way it is understood by art. 1.A. of the Convention. Neither the Convention nor the Protocol provides a clear-cut definition of "persecution". Different definitions are given by various authors among which Grahl-Madsen's definition is well-known : a threat to life or freedom, or another threat of a serious character. It is generally accepted that acts against a person which seriously violate internationally recognised human rights constitute persecution.

+) Grahl-Madsen, A., The Status of Refugees in International Law, 1966, Vol. I, pp. 189-192

This view is also supported in para. 51 of the Draft Handbook :

"There is no universally accepted definition of 'persecution' and various attempts to formulate such a definition have met with little success. From Article 33 of the 1951 Convention, it may be inferred that a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group is always persecution. Other serious violations of human rights - for the same reasons - would also constitute persecution."

In Chapter 6 of this report we have discussed whether the acts of violence against Christians in Turkey should be considered violations of human rights as described in the European Convention on Human Rights of 1950. Here we should consider these acts also in the light of the Universal Declaration of Human Rights (New York, 1948). Several articles of this Universal Declaration have special importance for the cases mentioned in Chapters 4 and 5 of this report, e.g. articles 3, 5, 7, 16, 17, 18, 22, 26, and art. 2, para 1.

Referring again to Chapter 6 of this report, in which we have categorised the various acts of violence that are being perpetrated against Christians in Turkey, we should observe that assaults, kidnappings and murder of Christians constitute basic elements of persecution. Moreover, these acts constitute violations of the (human) right to life, liberty and security (Universal Declaration, art. 3). The same is true for attempted and threatened killing or wounding of Christians, as well as for their forced circumcision (see Chapter 6), which should be considered under art. 5 of the Universal Declaration. (No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.). In further consideration of the question of whether these acts constitute persecution in the way in which it is understood in art. 1.A., para 2 of the Geneva Convention, we should ascertain that the said acts are being perpetrated against Christian inhabitants of Turkey on account of their religion or their belonging to a particular social group.

Here we come to the question of whether these acts are directed specifically at Christians or are of a more general nature. The information collected by experts and other observers in the towns and villages of South Eastern Turkey (see Chapter 4) indicates that, although the use of violence is perhaps more common in Turkey than in certain other countries of the world, and although there is a tendency to accept a certain degree of overall insecurity as normal for Turkey, Christians are the direct and overt target for wide-spread and continuous acts of violence.

As regards the situation of the Christians in Istanbul, violence in this city would at first glance seem to be of a more indiscriminate character. Inasmuch as Christians are objects of atrocities and 'economic' activities such as robberies, thefts and extortion, however, they usually are more vulnerable and defenseless than Moslem inhabitants of the city. This is a result of, firstly the lack of protection granted them by the police and gendarmerie, secondly of their weak position in court cases.

Those who live in the city slums cannot find an escape from these problems. Those who are in a stronger economic position may be able to obtain a certain degree of 'protection'. With the arrival of their opponents of the Midyat region and of the Grey Wolves (see Ch. 5) however, there is less security for Christians in various city quarters than ever before.

Christians are generally considered as an alien, non-Turkish element in Turkish society, both because of their religion and of the fact that they belong to non-Turkish ethnic and cultural groups (see Chapters 2 and 3). +) They can be easily identified as a 'divergent element' by wearing a cross, bearing a Christian name and by the compulsory indication of their religion on their identity cards. Once identified they are objects of atrocities by the local population as well as of restrictive, i.e. discriminatory practices by government agencies (see Chapter 6 of this report). In fact, experts and observers agree in stating that the atrocities are perpetrated systematically. Apparently with the objective of intimidating the Christians - both individually and collectively - and inducing them to give up their property and flee to safety abroad. This economic interest of the local feudal and religious leadership has its ideological counterpart in the concept of an ethnically and religiously 'pure' Turkish Republic which should be brought about either by assimilation or eviction of 'alien' elements.

Before developing this argument, we wish to bring in other facts which play a role in this context. We would again refer to the categories given in Chapter 4 and Chapter 5 of this report, which include armed robbery, theft of animals, destruction of fields, crops and vineyards, theft of other property and extortion. These acts, which are being perpetrated on a wide scale against Christians, are in overt violation of the (human) right to peaceful enjoyment of ones possessions.

+) Inasmuch as the aforementioned acts of violence are directed against Christians on account of their belonging to a particular social group (e.g. Armenians and Syrians, who have a different ethnic origin, a different language and a different culture from the Turks or the Kurds, etc.) there is a second reason to consider these acts as elements of persecution as this word is understood in the Geneva Convention.

These acts clearly contribute to the systematic campaign of intimidation referred to above. This becomes particularly clear when they are considered within the total framework of violence against Christians in Turkey.

On the other hand, the lack of protection given to Christians who are victims of these 'economic' crimes constitutes a violation of art. 7 of the Universal Declaration of Human Rights, in which it is stated that "all are equal before the law and are entitled without discrimination to equal protection of the law". The facts mentioned in Chapters 4 and 5 give proof that Christians usually are denied the protection which is given to other inhabitants of Turkey. Their complaints to the police are often ignored, the culprits usually escape punishment or are set free at an early stage.

We shall not go into detail regarding other violations of human rights dealt with in Chapter 6 under 2 (European Convention of Human Rights). Suffice it to note that the right of parents to educate their children according to their own religious beliefs (art. 2 of the Supplementary Protocol of 1952) has its counterpart in art. 26, para 3 of the Universal Declaration. (Parents have the prior right to choose the kind of education that shall be given to their children."). The right to marry, in art. 12 of the European Convention is made more specific in art. 16 of the Universal Declaration, which states in para. 2 : "Marriage shall be entered into only with the free and full consent of the intending spouses".

The statements made with regard to the character of the infringements of the European Convention and the Supplementary Protocol are corroborated by the definition of these human rights in the Universal Declaration.

Again we wish to stress the specific character of the acts of violence we are discussing in this report. They take place on a wide scale in all villages, towns and areas inhabited by Christians in Turkey. They are aimed specifically at the Christians and they are of a permanent nature. They do not constitute incidents, not even a series of incidents, but are part of a continuing line of events, the beginnings of which lie in the early history of Christianity.

In the past centuries we find accounts of serious persecutions of all sorts of Christians in these areas, up to the level of a genocide between 1890 and 1920. After that holocaust several decades passed during which not much was heard from the Christians in Turkey - but the aggressiveness between the various competing religions, ethnic and social groups never disappeared. That is why the present state of violence is in a way a logical continuation of earlier events, the last stage of a long process.

This should be borne in mind when considering the situation individual Christians in Turkey find themselves in. It is a clear example of what is stated in para. 53 of the Draft Handbook :

"In addition, an applicant may have been subjected to various measures not in themselves amounting to persecution (e.g. discrimination in different forms), in some cases combined with other adverse factors (e.g. general atmosphere of insecurity in the country of origin). In such situations, the various elements involved may, if taken together, produce an effect on the mind of the applicant that can reasonably justify a claim to well-founded fear of persecution on 'cumulative grounds'. Needless to say, it is not possible to lay down a general rule as to what cumulative reasons can give rise to a valid claim to refugee status. This will necessarily depend on all the circumstances, including the particular geographical, historical and ethnological context."

E. Genocide

Above we have referred to the period between 1890 and 1920, when the Ottoman government succeeded in practically annihilating the Armenian and Nestorian communities in Eastern Turkey and when the Syrians in Tur Abdin also suffered heavy losses. These events are generally known as a genocide.

The question has been raised as to whether the atrocities committed to-day against members of Christian minorities in Turkey would also amount to genocide. We must therefore now look at this.

For an answer to this question we have to study the Convention on Prevention and Punishment of the Crime of Genocide of December 18th, 1948. In this Convention a descriptive definition of genocide is given in art. 2 :

"In the present convention genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.

- a. killing members of the group ;
- b. causing serious bodily or mental harm to members of the group ;
- c. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ;
- d. imposing measures intended to prevent births within the group ;
- e. forcibly transferring children of the group to another group."

In the preceding paragraphs we have seen that several of the acts enumerated in this article are being perpetrated against groups of Christians (Armenians, Syrians, etc.) in Turkey, especially killings, assaults, robberies, circumcision, etc. On the other hand, no evidence can be found of imposed birth prevention or forced transfer of children. Although conditions of life for many Christians in Turkey are difficult, especially in the villages and areas of South Eastern Turkey and in Istanbul, there is no evidence that it is intended to bring about the physical destruction of Christian groups in that country. As stated above, however, there are indications that the acts committed against Christians in Eastern Turkey are of a systematic nature. These acts would seem to amount to a wide-scale campaign of intimidation aimed at forcing the Christians out of their homeland.

This brings in the essential element of 'intention'. According to the definition given in the Convention of 1948, there can be no genocide without the intention 'to destroy, in whole or in part, a national, ethnical, social or religious group'. This reminds us of the ideology of Turkism as it was and is propagated by certain Turkish authors and politicians. This would imply a Turkish state of purely Turkish character, the non-Turkish elements being either fully assimilated or driven out of Turkish territory. So far we have found no indications that, at present, this ideology has developed, as happened earlier in this century, into a government-directed or government-controlled policy of destroying the Christians as groups.

On the other hand, the Convention does not restrict the crime of genocide to government action. According to art. 4 : "Persons committing genocide or any of the other acts enumerated in article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."

Even wide-spread acts of violence by private individuals may together constitute a 'pogrom', if these acts have a systematic nature and if their intention of group destruction can be proved. This evidence could also be deduced from the attitude of government officials, e.g. leaving the victims without sufficient protection, whereas the culprits remain unknown or unpunished according to national standards.

In conclusion we may say that, although the acts of violence committed against Christians - both as individuals and as groups - in Turkey would seem to have a wide-spread and systematic character (especially in South Eastern Turkey), there is no decisive evidence of a prevailing intention of group destruction. There are, however, indications that these acts are aimed at group intimidation and assimilation. These indications are supported by the passive attitude of the Turkish government vis-à-vis those committing the crimes, as well as by the lack of protection afforded the victims. The situation many Christians are driven into does come close to 'Existenzvernichtung', i.e. destruction of their (economic, social and cultural) existence.

F. Domestic Flight Alternative

On the basis of the facts given in Chapters 4 and 5 of this report, and after having evaluated these facts in Chapter 6 and in the present chapter, we would conclude that in South Eastern Turkey Christians are living in a situation of persecution and that they have no other way out but to flee from their homelands. Where should they go? Should they look for another place in Turkey where they can start a new life in safety, with the prospect of a liveable future? Or should they give up that idea from the beginning and ask for recognition as refugees in another country?

The Convention does not elucidate on this point. So far it has not been dealt with in literature. The Draft Handbook, however, gives a clear statement on this matter in para. 90 :

"The fear of being persecuted need not always extend to the whole territory of the refugee's country of nationality. In ethnic clashes or in cases of grave disturbances involving civil war conditions, persecutions of a specific ethnic or national group may occur in only one part of the country. In such situations, a person will not be excluded from refugee status merely because he could have sought temporary refuge in another part of the same country, if under all the circumstances it would not be reasonable to expect him to have done so."

We may therefore conclude that there is no absolute requirement for a person who has been persecuted 'at home' to seek an alternative in his own country first, before being eligible for refugee status in another country. Whether he should have done so depends on the conditions he is likely to meet, or he should reasonably expect to meet, in other parts of the country.

German and Dutch decisions differ on this issue. Cp. decisions of 18.9.1978 and 13.10.1978 on the Bundesamt für die Anerkennung ausländischer Flüchtlinge, Zirndorf, stating that a person persecuted in his home area, under the prevailing difficult economic situation, cannot be required to try and develop a new existence elsewhere in Turkey; and decisions of 18.8.1978 and 21.6.1979 of the Raad van State, The Hague, stating that on the basis of the submitted documents and other evidence, the Council is of opinion that the person concerned could have established himself elsewhere in Turkey without his being exposed to acts of violence against which the State would not give him protection, and adding that a (possible) deterioration of his social and economic situation is of no relevance in this matter. In the latter cases the UNHCR representative had expressed as his view that a person should be considered a refugee, if it is not reasonable to require him to resettle elsewhere in his country, and adding that this is the case if, elsewhere in Turkey, he cannot free himself from his fear for persecution and is not able to acquire a new living.

In the case of the persecuted Christians fleeing from Eastern Turkey the following aspects should be taken into account :

- the overall lack of protection granted to Christians when they are victims of atrocities by the local population ,
- the overall restrictions to the rights granted to them under the Treaty of Lausanne and the discriminatory measures with regard to their religious, educational and other rights guaranteed by the European Convention on Human Rights (see Chapter 6 of this report) ;
- the weak socio-economic conditions they are likely to face if they would settle in Istanbul, which would place them in a vulnerable and practically defenseless position in this city (see Chapter 5).

Thus it can rightly be stated that under the circumstances prevailing to-day in Turkey - and in Istanbul in particular - there is no acceptable domestic flight alternative for the Christians fleeing from South Eastern Turkey.

G. Evidence

In this last section of Chapter 8 we wish to discuss to what extent a Christian inhabitant of Turkey who has fled from his country for alleged fear of persecution on account of his religion should be required to substantiate this fear of persecution.

At the time of the signing of the Convention there was a general consensus concerning those persons to be granted the protection of the Convention, i.e. mainly those fleeing from Eastern Europe, primarily for political reasons. They constituted a typical category of refugee, with homogeneous backgrounds. It was generally understood that in the countries they had left there was persecution in the sense of art. 1.A., para.2 of the Convention, and it was generally assumed that all of them, when requesting refugee status, had well-founded fear of persecution.

To-day we see that there is a large variety of "refugee-producing" countries, and hence that there are refugees from a variety of backgrounds. There is, therefore, general reluctance to assume, with regard to refugees from a given country with a given background, that all of them should be granted refugee status. Nonetheless, with regard to, for example, refugees from Latin American countries (especially from Chile since 1973) and from South East Asia, we see that receiving governments are willing to accept that individuals from these countries seeking refuge elsewhere as a rule should be considered refugees under art. 1.A., para. 2 of the Convention.

With regard to the problems of the Christian minorities in Turkey, the over-all tendency has been not to consider Turkey as a "refugee-producing" country, so that persons belonging to these minorities fleeing from there have had to substantiate fully their individual reasons for so doing.

In this chapter we have discussed in detail, on the basis of observation and research work by experts and specialised visitors, and after a thorough analysis of hundreds of individual refugee interview reports, the situation with which the Christians of Turkey are confronted. With regard to South Eastern Turkey we would qualify the situation there as one of wide-scale and continuing persecution of such a nature that there is, in the long run, no reasonable prospect of a liveable existence for the Christian minorities. In Istanbul the over-all discrimination, the bleak conditions of life for thousands of Christians, and the increasing number of assaults, robberies, etc., directed specifically against them, without guarantee of adequate protection by the authorities, amount to a situation approaching permanent persecution.

Moreover, for the Eastern Christian individual life is closely linked with the life of the family, of his relatives, of other members of their clan. In fact, his wealth is their wealth; his needs are his needs; his death is their death. A threat to the life of one Christian is a threat to his family, to the village community. This threat can be made symbolically, by a simple, but heavily-loaded word, even a gesture. It will be understood as implying a threat to the family as a whole. his enemies, who live within a similar social and cultural context, would indeed seek to destroy the life not only of the individual Christian but of his family as a whole. Furthermore, in the case of the Christians fleeing from Turkey, we can hardly separate the individual cases. Most cases will be interwoven, most Christians of one family, of one village, will face the same problems, even though only one of them might be able to produce evidence of well-founded fear of persecution.

We would conclude that Turkey should be considered as a "refugee-producing" country, and that individual requests for refugee status or asylum should be considered within the general context of the situation of persecution in which the Christian inhabitants of Turkey find themselves.

CHAPTER 9 : SUMMARIES AND RECOMMENDATIONS

1. General setting

The situation of the Christian minorities in Turkey +) now comprising approximately 100 000 people, should be seen in the context of a westernizing oriental society.

In spite of the modernisation and secularisation of the country since the 'twenties in large parts of Turkey, especially Eastern Anatolia, the greater part of former group traditions and social systems have been preserved.

These are based on an earlier tribal system, which has developed into a feudal structure. Religious leaders traditionally have great influence; Islam pervades everyday life.

The Turkish central government governs these regions largely by indirect rule, i.e. by using the existing feudal structures. Politics and religion are closely interlinked.

Within this setting the centuries-old Christian minorities, at the end of the 19th century still amounting to 30 percent of the population, have great difficulties in maintaining their last positions.

2. The Armenian and Greek Minorities

The relatively strong socio-economic and cultural position of the Armenians, their contacts at that time with foreign powers with a view to achieving independence in their homeland, and religious fanaticism of their opponents led to the Armenian genocide between 1890 and 1920, when up to 2 million people were massacred and/or deported.

Today the Armenians in Eastern Turkey number only several thousands; appr. 40 000 live in Istanbul.

The Armenian holocaust is the hard core of Moslem-Christian hostility as it prevails today in Turkey.

The Greeks once had strong positions in Istanbul and Anatolia as well. They were driven out of Anatolia in 1922-23. The number of Greeks living in Istanbul has dropped to less than 10 000.

+) Throughout in this Report 'Christian minorities in Turkey' are meant to comprise the Armenian, Greek, Syrian Orthodox and other smaller Christian minorities, whose members are Turkish citizens.

3. The Syrian Orthodox Minority

Appr. 42 000 Syrian Orthodox Christians still live in Turkey. Thus they are the second largest Christian church in that country. As the situation in their homeland in South East Turkey became more and more unliveable, many went abroad or settled in Istanbul. In that city, where they number appr. 17 000 +) their position has now also become precarious. The syriac speaking Syrian Orthodox never had a national identity and were not given the prerogatives of the Lausanne treaty by the Turkish State. Their impressive religious heritage in South East Turkey is crumbling down.

4. South Eastern Turkey

The situation of the Christian minorities in South Eastern Turkey is becoming graver. Persecution is systematic and follows a visible pattern. It is often instigated by Islamic and feudal traditional leaders. The authorities stand idly by Christians having made complaints to the police authorities and/or Courts are exposed to retaliations resulting in many cases in murder.

The ostensible reason for this aggression is religious. The deeper reasons are socio-economic and political. Feudalism and the Government's inability to fulfill its responsibilities towards the Christians allow this persecution to continue.

5. Istanbul

In the beginning of the 20th century Istanbul was a relatively safe place of refuge for persecuted Christians. Today it is not. Now, lack of security, fear, socio-economic depression have changed the situation. Armenians, Greeks and Jews have a relatively better position than the Syrian Orthodox. Yet the positions of all these minorities are threatened by measures taken by Turkish authorities. Attacks, armed robberies, extortions of Christians are increasingly frequent, whereas effective protection and proper punishment of the culprits are lacking.

Today Istanbul is a city of fear. For many Christians - especially those who have no means to protect themselves - the situation has become similar to the one they fled from in South East Turkey.

Many think of escaping to Western Europe as thousands have done before them.

+) including Syrian Catholics, Syrian Protestants and Chaldeans.

6. Protection of Minorities

The Christian minorities in Turkey are to be protected under the Treaty of Lausanne of 1923. However, the prerogatives to which they are entitled under this Treaty, especially in the fields of religion, education and public offices, are very often not applied and they are discriminated against by a number of Government regulations. Their fundamental human rights under the Lausanne Treaty and the European Convention of Human Rights are violated by insufficient protection of their life and property.

Although the acts of violence committed against Christians in Turkey would seem to have a wide-spread and structural character (especially in S.E. Turkey) there is no decisive evidence of a prevailing intention of group destruction which would amount to genocide in the sense in which it is understood by the Convention of the Prevention and Punishment of the Crime of Genocide.

7. Christian Migrants from Turkey in Europe

Since the time of the Armenian massacres members of Christian minority groups have tried to escape from oppression in Turkey and find a better future abroad.

In the 'sixties' many of them joined the ranks of the Turkish migrant workers who went to Western Europe. Since 1975 Western European countries have been confronted with the advent of Syrian Orthodox and Armenian Christians asking for asylum. They often met with distrust, as their real motives were supposed to be economic.

Hence and as a result of lacking background information or of opportunism of the authorities many were sent back and few only recognized as refugees. Asylum for humanitarian reasons was given by Sweden (appr. 8 000) and the Netherlands (appr. 700). Refugee status was given in a number of cases in Belgium, Austria, France and Sweden. Leaving aside the older migrants of the first half of the twentieth century, the total number of Christians from Turkey in Western Europe amounts to appr. 25 000. Some 15 000 of them live in the Federal Republic of Germany; of the 2 000 asylumseekers among them hardly any were recognised as refugees.

8. The Geneva Convention

Those Christians who flee from Turkey and seek asylum abroad are primarily motivated by a well-founded fear of persecution. The earlier persecutions of Christians in Turkey have a traumatic effect on their present state of mind. The acts of violence committed against individuals are also understood as an overt threat to their family members and to the whole village.

The acts of violence and discriminatory measures of which these Christians are victims, violate human rights and therefore constitute elements of persecution, the more so as they have a continuing, specific and structural character. In most cases the Turkish Government is either directly or indirectly responsible.

A domestic flight alternative in Istanbul does not exist, as acts of violence against Christians in this city are increasing in number, so that a minimum of human protection cannot be ensured. The weak socio-economic situation and the discrimination of Christians prevailing there also constitute adverse factors for settling.

The overall situation of the Christian minorities in S.E. Turkey and the complex family and clan structure in its villages are such that individual requests for asylum made by its members should *prima facie* be received for recognition as refugees.

RECOMMENDATIONS

1. The problems of the Christian minorities in Turkey - their historical, religious, political, social and economical backgrounds - are little known in Western Europe and overseas.
Information based on direct experience and research work is needed for decision-makers in order to better understand their flight motivations and integration difficulties.
2. The Christian minorities in Turkey are in an overall state of persecution and/or discrimination. Many of their members have a well-founded reason to fear persecution. Hence when these persons ask for asylum in Western European countries or overseas, they should not be refused at the border. Their cases should be thoroughly considered for recognition as refugees.
Those who have fled from Eastern Turkey should be considered *prima facie* refugees.
3. The international community, both European and non European countries, should be asked to receive Christians from Turkey. A satisfactory arrangement could be made on a quota system, worked out by those countries willing to participate.
4. The Government of Turkey is to be made aware of its responsibility to guarantee and to ensure the protection of the human rights of its Christian citizens. For this purpose the contracting parties of the European Convention of Human Rights, the member states of NATO and international bodies should take the necessary steps.
5. Apart from the earlier migrants who came during the first half of this century, there are now about 25 000 Christians from Turkey in Western European countries. They have many difficulties when settling in their new host countries because of the difference between their traditional social structures and the western ways of life. Churches and social agencies should undertake the task of enabling them to integrate in western society by providing educational and social services.

Appendix I

THE CHRISTIANS OF EASTERN TURKEY, THE STATE AND THE LOCAL POWER STRUCTURE

by Dr. Martin M. van Bruinessen

Introduction

Law and political theory at Ankara are one thing, political reality in Eastern Turkey is an entirely different proposition. Two political systems, with different rules and norms, co-exist in narrow interconnection there: the modern, western system of the republic of Turkey, modelled on European examples, and the "traditional" local political system, in which aghas (tribal chieftains, village headmen) and sheiks (religious leaders) occupy the key positions. These two systems are not only mutually connected, they are even strongly dependent on each other.

Turkey's political system

The provinces of Turkey are represented in the central state apparatus in the 2-chamber parliament. Each of the 67 provinces forms a constituency that sends a number of delegates proportional to its population to the National Assembly (450 seats) and the senate (150 eligible seats). The elected M.P.'s and senators are generally locally or regionally powerful persons; their election is due to an ad hoc coalition of local interests. Generally, the delegates enter the elections as the candidates of a particular political party. Turkey has a multi-party system, with considerable ideological differences between its many parties. Matters of ideology, however, are of little weight in the alliance of candidate - M.P.'s with their political parties in Eastern Turkey. They are more important in the urbanized and industrialized districts of Western and Southern Turkey; here it is the party branches that make their own list of candidates, consisting of professional politicians with a career in the party. In the east however, where relations of patronage supersede most class and other contradictions, a party has to be more pragmatic: in order to stand a chance of winning the elections it has to make one of the "big men" of the region its candidate. Even the party that verbally denounces the position of these "big men" (aghas and sheiks), the Republican People's Party, has to take recourse to these traditional leaders, thus consolidating or even reinforcing their position. The "big men", on the other hand, ally themselves with that party which promises them most, irrespective of its ideology. Thus, for instance, a certain Kurdish deputy was elected into parliament three times (by the same people), as the candidate of three different parties successively. Loyalty of such deputies to "their" party is, understandably, limited. Not infrequently do M.P.'s transfer their allegiance to another party during their four years in parliament - usually a quid pro quo being involved. This is not considered very improper: the deputy is seen as representing his constituency rather than his party. Out of the four coalition governments that have

governed Turkey since 1974, two could only be formed after a number of M.P.'s had changed sides, thus giving the new coalition a narrow majority (1).

Such a situation gives M.P.'s an excellent opportunity to defend the particular interests that they represent. If their party is in the government, the mere possibility of their defection will make the government willing to give in to their demands where these do not immediately contradict some other M.P.'s interests. And even when his party is in the opposition, he can, through his party, have influence in at least a part of the state apparatus: each of the bigger parties has at least some departments under partial control. Thus the deputy may ensure that roads, electricity and other infrastructural investments reach some villages of his province rather than others (which may guarantee his re-election). He can influence appointments of officials (2) and even (occasionally) the removal of officials who have made themselves unpopular with his electorate. Residing in Ankara, the capital, and being close to the state apparatus, he functions as a middleman and counselor for all his supporters, taking care of their legal and economic interests.

Centrally appointed officials in the provinces

Deputies in parliament constitute one connection of the local political system with the state-wide one; state officials provide another link. Turkey is administratively divided into provinces (il) and sub-provinces (ilçe), each with a centrally appointed governor (vali and kaymakam, respectively). There are parallel hierarchies of judges, public prosecutors, gendarmerie commanders and other officials (tax inspectors, school inspectors, etc.), who are also centrally appointed. Mayors of the towns, however, and the powerless village muhtars (village elders) are elected.

The appointed officials rarely if ever deal directly with the civilian population. Often they are not even willing to do so, and prefer to deal with them through the more polished local big men (tribal leaders, religious authorities, landlords), who speak the officials' language - both in the sense of speaking good Turkish (which by no means all Kurds do) and in that of understanding the parlance of their social class. But even if they would attempt to bypass the "big men", they would soon discover that this is almost impossible. The common Kurds are very much under the influence of these big men; moreover, they have a profound distrust of government officials, which is even exacerbated by the fact that most officials are Turks and are felt to look down upon the Kurds. The "big men", on the other hand, derive at least a part of their power from the very fact that they act as intermediaries between the common people and the state. They are thus indispensable to both the common people and the state officials. Many aghas are ready to defend this monopoly position to the utmost, and may take violent action against the official or commoner who seriously challenges their position. State officials are thus forced to delegate some governmental authority to these "big men", in order to govern at all.

Local political system: tribe, agha, sheik

At this point, a short look at the local, "traditional" political system might be apt. The situation is not the same throughout Eastern Turkey: tribal organization and religious leadership play more crucial parts in some areas than in others. What follows is descriptive of the Tor Abdin and contiguous districts, but cannot be generalized.

The districts are inhabited by Kurdish (in the West also Arab) muslims, with Christian minorities living among them. Less than a century ago, some parts of the Tor Abdin mountains were almost exclusively inhabited by sedentary Syrian Orthodox farmers and craftsmen, but many Kurdish nomads have since settled there, thus forcing the Syrians (Suriani) into minority positions.

Around the turn of the century, many of the Kurds were organized in a number of large militant tribes, led by powerful tribal chieftains who were as a rule unconditionally obeyed. Each tribe was consisted of a number of sections, with sectional leaders, and these in turn were divided into sections of lower order, etc. The sections of lower order consisted mainly of the descendants of a limited number of common ancestors; their leaders were usually relatives of the other members. The tribes themselves as well as the sections of higher order were as a rule political alliances of such descent groups, of quite diverse origins; the families of chieftains often did not belong to any of the tribes' sections and could by this very fact maintain peace between them and keep them together. Not all Kurds belonged to such tribes; in fact, tribesmen were an upper "caste" among the Kurds which looked down upon the others and often exploited them economically. The tribesmen typically were nomadic or semi-nomadic (combining agriculture with shepherding and summer migrations into mountain pastures), although even a century ago many of them had already settled. Their mobility and military superiority enabled them to dominate the sedentary population politically and economically. The non-tribal Kurds and most Christians were dependent peasants; especially the latter were no more than serfs, being bought and sold together with the land on which they worked. Chieftains of tribes or sections thereof had assumed virtual ownership of most land in their tribe's territory, and appropriated a large share of its produce. Not all Christians were in such a lowly position, however: some groups in the Tor Abdin were very militant and for a long time manage to maintain their independence. One such group even became to all purposes a section of the powerful (Kurdish) Hovêrkan tribe, to which it supplied some of its best warriors. Now, as then, not all Christians are in the same position vis-à-vis the Kurds.

The 20th century brought great changes affecting the power balance in the region. The modern state of Turkey, arisen from the ruins of the Ottoman Empire, made serious attempts to eradicate the tribal system and "feudalism". As a secular republic, it recognized the equal rights of all its citizens irrespective, of religion; it attempted to abolish serfdom; it broke the power of the last great tribal chieftains. The latter measure with which the sultans had started in the 1820's already did not lead to any curtailment of the

tribal system, however, nor did it alleviate the subject Christians' burden. On the contrary, the conflicts so typical of the tribal milieu proliferated now that there were no paramount chieftains capable of holding them in check. The tribes fell apart into a number of feuding groups whose chieftains (aghass) fervently competed for increase in power, both economic and political, at each other's expense. Stealing, looting and killing are part of the way tribal rivalries are conducted; many Christians suffered (and suffer) seriously in the conflicts between "their" and other aghas. (Because of the tradition of blood feud, it is much less risky to hurt a rival agha's sheep or christians than his relatives).

The increased number and seriousness of tribal conflicts contributed to the political importance of another type of leader, the sheiks. Sheiks are religious leaders, often considered saints and miracle-workers. They are generally not associated with any one particular tribe, whilst their authority is recognized by a wide segment of the population and transcends tribal boundaries. This makes them almost the ideal mediators in tribal conflicts. All sorts of conflicts, quarrels over inheritance, elopement with a girl against her relatives' wish, alleged thefts, blood feuds, etc. are only resolved through the intervention of a sheik. Usually one of the conflicting parties approaches a sheik and invites him to arrange a settlement. The sheik then acts as a go-between, a negotiator, a judge, a notary and guarantor of mutual promises. A sheik's prestige increases by such negotiations, if successful; he also accumulates economic power, for he is recompensed with considerable gifts. The following of a sheik is less of a clear-cut group than an agha's, but his influence stretches further afield. In the history of Kurdish nationalism sheiks played more prominent roles than tribal chieftains, because they possessed the kind of influence that could make rival tribes unite. Their influence is, however, dependent on the acceptance of their spiritual role. Secularization - on official policy of republican Turkey - poses a serious threat to them (in fact, under Atatürk sheiks were actively persecuted, a policy which was reversed in the 1950's under the Democratic Party government). Most sheiks do therefore all they can in order to preserve the influence of Islam over the Kurds. One time-honoured method is the cementing of (muslim) group solidarity by the creation of an external or internal enemy. Thus, the general resentment of increasing government control and of unequal treatment of the Kurds in Atatürk's Turkey found several times explosive expression in reactionary religious movements led by sheiks who proclaimed Atatürk to be the Dajjal (the muslim equivalent of the Antichrist) (3). A less risky way of fostering muslim solidarity, and one that is more frequently resorted to, is propaganda directed against the non-muslim minorities living amidst the muslims. Christians and Jews have long performed scapegoat roles: foreign invasions, plagues and economic disasters were equally blamed upon them. Many a sheik agitated against them in order to preserve his own influence. Many an agha, used them as a convenient outlet for his followers' frustrations.

Aghas, sheiks and officials

The power that an agha commands is only to a limited extent the result of his capacities as a leader; very few rise to a position of power on their own force alone. Most owe their position

at least in part to their contacts with the state. Since the state has brought these parts under effective control, an agha who knows how to deal with government officials is more useful to his followers than one who is a brave warrior. Moreover, through his contacts with officials an agha can exercise more power over his followers: he has more carrots and tougher sticks than if he were alone. The same is true, though to a lesser extent, for many sheiks. There are several ways in which aghas and sheiks may partake in state power. Election as a mayor of a rural town, or as a deputy to parliament is the most direct way, but it is a road open to a few only. Mayors and deputies (and indirectly, the deputies' major supporters) have spoils to distribute which make it possible for them to enlarge their following and improve their economic position. The position of muhtar carries insufficient weight for an agha to desire it (it is beneath his dignity), but he will ensure that a trusted man is elected, so that he controls the little power associated with this lowest official position. More important, however, are the aghas' and sheiks' contacts with the centrally appointed officials. It has been said before that the aghas (successfully) attempt to monopolize the contacts between the state and the population at large in these districts. They make themselves indispensable to both the officials and the common Kurds. Government officials want to levy taxes, take boys into military service when they have the proper age, build schools and enforce children's attendance, prosecute offenders, etc. None of these can they do without the cooperation of the aghas. On the other hand, villagers want things from the government (a road, irrigation, health care, exemption from military service, a job in town or abroad as a migrant worker, etc.), the availability of which is very limited. An agha who has a good relation with the official concerned may ensure that these scarce goods and services are channelled to his followers instead of elsewhere, and thus increase the number of his followers. The agha needs the officials as much as the officials need him. Their relation may well be called symbiotic. The interests of aghas and officials are not identical, but both have much to gain by cooperating. In this system of "indirect rule" measures that are not against the interests of the aghas are efficiently executed, while they would have been extremely hard to carry through without the aghas' cooperation. It is very difficult, however, to execute any measures that are damaging to some powerful agha. If these are to be carried through at all, the agha has to be compensated in another way. The official who neglects this runs serious risks. During the past decades, several high officials in Southeastern Turkey were killed at the instigation of an agha whose interests they threatened. This fact is sufficiently well-known for officials not to let their relations with the aghas become too strained. Thus it is possible that some activities that are illegal in Turkey are carried out relatively openly, with connivance of the officials. Smuggling is such an activity. Because of the steep price differential for many goods between Turkey and its neighbours is is a very lucrative one. It contributes a large share to the overall income of these districts. The gendarme and border police have of course the duty to prevent it and to arrest smugglers. What happens is that the small fry are caught at times, but the really big smugglers run little risk while carrying out their trade. They arrange with a high gendarme or police commander which goods they wish to bring across the border and when. The commander takes his percentage and ensures a free crossing. This seems an extreme example, involving serious corruption of a high official, but it is probably true that the gendarmerie would find it harder to keep the

district under control if the powerful men were not allowed a certain measure of free smuggling. By allowing an agha to smuggle, a gendarmerie commander also achieves some control over him. Similarly, other offenses of aghas or their relatives go often unpunished, not because it is impossible to catch the culprits but because leaving them at large gives the gendarme commander (or kaymakam or prosecutor) a guarantee of an agha's cooperation at more crucial points. In order to be able to carry out these measures that are really important to them, officials tolerate illegal behaviour in fields that affect them less. Violence against Christians belongs to this latter category. There are no powerful interests involved in the defense of the Christians' rights. Beside the abstract ideals of equal rights and justice, officials have no compelling reason to take strong action against violations of the Christians legally established rights.

Oppression of the Christians

The Christians of these districts have always been subject to oppression and physical violence. The laws of republican Turkey in fact give them a better legal protection than they have ever enjoyed before. Their life and property are as sacrosanct as any muslim's. They have the same legal opportunities to work and to study, pay the same taxes, have all the same rights and duties as their muslim neighbours. Nevertheless, their position appears in several respects more precarious than ever before; they certainly perceive that their oppression is worsening. It is not possible to analyze the entire situation here, but a few points contributing to an aggravation of the Christians' oppression deserve to be mentioned.

1. technological changes have their far-reaching consequences. In the 1950's, the first tractors were introduced into the area; mechanization of agriculture has been slowly but continually progressing since. Rich landowners (aghas, ex-government officials, urban nouveaux riches) could now cultivate more land than they owned. At the same time, population growth made land scarcity more serious. Landlords expelled tenants from their lands, and attempted to appropriate more land, by sale or theft. Christian tenants and small owners were even less in a position to defend themselves against this than the muslim peasants.

2. The above is only one aspect of the overall increase in inequality in Eastern Turkey. The economic contradictions between aghas and urban entrepreneurs on the one hand, and the poor peasants on the other are becoming sharper. Instead of turning against the agha, however, the poor peasants take it out on the one group that is more vulnerable than they themselves, the Christians. On the whole, the Christians are relatively more affluent than the Muslims of neighbouring villages, because of superior agricultural technology and skills. This invites even more envy. A hungry muslim is therefore more likely to steal bread from a Christian than from an equally poor co-religionist, both because the Christian seems more affluent and because he is less likely to take revenge.

3. Mechanization and population growth led to more rural underemployment, which made many Kurds migrate from their villages to the regional townlets. Previously the population of these townlets had consisted mainly of Christians (and Jews), but the new influx of Kurds put the former into a minority position in the towns as well. Muslim mayors were elected, and these appointed muslims as

local officials (appointment of lower officials in the affair of the mayor and the town's council). The Christians thus lost whatever political control of the towns that they had held. Unemployment among the recently arrived Kurds (and Arabs) is extremely high. Once in a while they can do odd jobs for Christian shopkeepers or craftsmen. The religious dichotomy of the urban population is thus supplemented by a (partially) coinciding class distinction. Class grievances can thus easily be channelled into religious antagonism, a phenomenon actively stimulated by the muslims belonging to the exploiting classes.

4. The demographic balance has changed even more to the disadvantage of the Christians by the departure of many co-religionists, at first as refugees to Syria, Lebanon or America, since the 1960's especially as migrant workers to Western Europe. Because the average level of education of the Christians is above that of the Muslims, they were often preferred by the recruiting agencies - another source of jealousy. The strongest and most enterprising left, leaving a smaller and weakened community behind. Several communities that had previously been able to maintain their independence, if necessary by force of arms, were no longer capable of doing so. For instance, the town of Midyat consists of two separate parts, a mile apart, Midyat proper and Estel. Both had originally a predominantly Christian population. Muslim influx (Kurdish and Arabic) was strongest in Estel. Christians living there were ever more pestered and molested. Goods were openly taken from their shops, their houses were destroyed. A few left, for abroad or for Midyat proper. The position of those remaining thereby deteriorated, and more saw themselves forced to escape from Estel. No Christian has remained in Estel by now, and the same process is clearly taking place in Midyat proper.

5. During the past decade and a half Kurdish national awareness and nationalism have dramatically increased. In the 1960's it was associated with a general leftist upsurge and many nationalist propagandists fulminated against aghas and sheiks, whom they held responsible for Kurdistan's backwardness and accused of collaboration in the government's national oppression. This propaganda was countered by Turkish nationalistic and islamic propaganda, which stressed that the Kurds were "really Turks" and made appeals to islamic solidarity, the brotherhood of Turks, Kurds and Arabs. In order to cement this solidarity and weaken Kurdish nationalism, the Muslim-Christian antagonism was fanned. Aghas and sheiks had their own reasons for attempting to direct anger and frustrations against the Christians instead of themselves. External political events, the Cyprus crises and the confrontation with Greece, helped in disseminating a general anti-Christian feeling. Activists of the (fascist, pan-turkist) Party of Nationalist Action and the (reactionary, fundamentalist islamic) Party of National Salvation have been very active in these districts, and successfully so. Their standard method of party propaganda consists in the polarization of ethnic/religious differences (it is not surprising that both the fascists and reactionary Islamic currents make their most rapid gains in ethnically mixed areas). The fact that these two parties were in the government from May 1975 until December 1977 gave these propagandists considerable freedom to pursue their disruptive activities. Pan-turkist and Islamic propaganda also made progress among officials, while many of the newly appointed officials of the years 1975/77 owed their appointments precisely to the fact that they

embraced these ideologies.

All this not only stimulated more oppression against the Christians, but also contributed to the lack of enthusiasm with which officials defended the Christians' rights and prosecuted their molesters.

The Christians of Eastern Turkey are persecuted, this is a fact that no one acquainted with their situation can deny. The persecution does not originate with the government, nor can the Ankara government be justly accused of unwillingness to protect its Christian subjects from persecution by their co-citizens. Nevertheless the persecution of Christians amounts to much more than terror exercised by a number of private individuals. The local representatives of the government are involved in the persecution, not incidentally but systematically.

NOTES:

1. The first "Nationalist Front" government, led by Demirel, became possible after the transfer of some 20 deputies of the Democratic Party to Demirel's Justice Party. In December 1977, 12 dissident members of the (then governing) Justice Party resigned from the party and decided to topple the Demirel government and support a government to be led by Ecevit (Republican People's Party), on the condition that they would receive ministerial posts in the cabinet.
2. It is not unusual in Turkey that, when a new government accedes, many new appointments are made, both in the state apparatus itself and in the (considerable) state sector of the economy.
3. For a number of examples of such movements, see e.g.:
Dr. Ç. Ozek, Türkiye'de gerici akımlar. Istanbul: Gerçek, 1968.
K. Erdeha, Millî mücadelede vilayetler ve valiler. Istanbul: Remzi, 1975. This subject is treated more extensively in my Ph. D. thesis Agha, sheik and state: on the social and political organization of Kurdistan (Utrecht, 1978).

Utrecht, 8th October 1978.

*Section III of the Treaty of Lausanne (July 24, 1923) concerning Protection of Minorities*¹

SECTION III
PROTECTION OF MINORITIES

Article 37

Turkey undertakes that the stipulations contained in Articles 38 to 41 shall be recognised as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

Article 38

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

Article 39

Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

Article 40

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

Article 41

As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

(1) Official English text printed and published by His Majesty's Stationery Office (London 1923).

Article 42

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special Commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorisation will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are granted to other private institutions of that nature.

Article 43

Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend Courts of Law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

Article 44

Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

Article 45

The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.

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